APPENDIX B.

BILLS DISCUSSED.

I. The Mysore Labour Bill.

WHEREAS it is expedient to make provision for the promotion of peaceful and amicable settlement of industrial disputes by conciliation and arbitration and the organisation of industrial employees into associations to secure their welfare, and for certain other purposes hereinafter provided ;

It is hereby enacted as follows :—

Short Title, Commencement, Extent and Application.

1. (1) This Act may be called the Mysore Labour Act, 1941.

(2) This section shall come into force at once. The Government may, by notification in the official Gazette, apply all or any of the other provisions of this Act from such date as may be specified in the notification.

(3) It extends to the whole of Mysore.

(4) It shall apply to all industrial undertakings, whether owned by a person or by the Government or by a local authority.

Recognition of Association of Employees.

2. (1) The right of employees in an industrial undertaking to combine into an association for the promotion of their common interests is hereby recognised and declared.

(2) The Government may, on the recommendation of the Commissioner of Labour, extend this right to employees in small industrial undertakings engaged in work of the same nature in any local area or to employees in industrial undertakings engaged in work of the same nature located in different areas.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(1) "award" means any interim or final determination in an Arbitration proceeding under this Act ;

(2) "Board" means the Board of Conciliation appointed under this Act;

(3) "change" means a change in any industrial matter ;

(4) "Commissioner of Labour" includes an Assistant Commissioner of Labour ;

(5) "Conciliation proceeding" means any proceeding held by a Conciliator or the Board under this Act;

(6) "Conciliator" means any Conciliator appointed under this Act and includes the Chief Conciliator or a Special Conciliator ;

(7) "Court" means a Court of Arbitration appointed under this Act;

(8) "employee" means any person employed to do any skilled or unskilled manual or clerical work for hire or reward in any industry and includes, for the purposes of any proceedings under this Act in relation to any industrial dispute, an employee discharged on account of such dispute relating to a change in respect of which a notice is given under section 10 whether before or after the discharge;

(9) "employer" includes—

(*a*) any agent of an employer;

(*b*) where an industry is conducted or carried on by a department of the Government, the authority prescribed in that behalf, and where no such authority has been prescribed the head of such department;

(*c*) where an industry is conducted or carried on by or on behalf of a local authority; the Chief Executive Officer of such authority; or

(*d*) where the owner of any industry in the course of or for the purpose of conducting such industry contracts with any other person for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the said industry, the owner of such industry;

(10) "industrial dispute" means any dispute or difference between an employer and employee or employees, which is connected with any industrial matter;

(11) "industrial matter" means any matter relating to work, pay, wages, reward, hours of work, privileges, rights or duties of employers or employees, or the mode, terms and conditions of employment or non-employment and includes—

(*a*) all matters pertaining to the relationship between employers and employees, or to the dismissal or non-employment of any person;

(*b*) all matters as to the demarcation of functions of any employees or classes of employees;

(*c*) all matters pertaining to any right or claim under or in respect of or concerning an agreement, settlement or award made under this Act, and

(*d*) all questions of what is fair and right in relation to any industrial matter having regard to the interest of the person immediately concerned and of the community as a whole;

(12) "industrial undertaking" means a unit of industry under one employer in the same city, town or village;

(13) "industry" includes—

(*a*) any business, trade, manufacture or undertaking or calling of employers; and

(*b*) any calling, service, employment, handicraft or industrial occupation or avocation of employees;

(14) "local area" means an area notified as such by the Government;

(15) "lock-out" means the closing of a place or part of a place of employment or the total or partial suspension of work by an employer or the total or partial refusal by an employer to continue to employ persons employed by him, where such closing, suspension or refusal occurs in consequence of an industrial dispute and is intended for the purpose of compelling those persons or of aiding anothe

employer in compelling persons employed by him to accept any term or condition of or affecting employment;

(16) "member" means a person who is an ordinary member of an association and who is paying subscription of not less than one anna per month and the term "membership" shall be construed accordingly, and shall include an honorary member holding an office in the association;

(17) "prescribed" means prescribed by rules made under this Act;

(18) "Registered Association" means an association of employees registered under this Act;

(19) "Registered Agreement" means an agreement registered under section 10;

(20) "Registrar" means the Registrar of Associations appointed under this Act;

(21) "Schedule" means a schedule appended to this Act;

(22) "settlement" means a settlement arrived at during the course of a conciliation proceeding; and

(23) "strike" means a total or partial cessation of work by employees employed in an industry acting in combination or a concerted refusal or a refusal under a common understanding of employees to continue to work or to accept work where such cessation or refusal is in consequence of an industrial dispute in any industry and is intended for the purpose of compelling any employer to accept any term or condition of or affecting employment.

Commissioner of Labour: His Powers.

4 (1) The Government shall appoint a person as Commissioner of Labour whose jurisdiction shall extend throughout Mysore.

(2) The Government may also appoint for any local area or otherwise one or more Assistant Commissioners of Labour who shall exercise such of the powers and perform such of the duties of the Commissioner as may be delegated by him, and subject to his control and supervision.

(3) For the purpose of exercising his powers and performing his duties, the Commissioner may, after giving reasonable notice, enter any place used for the purpose of any industry or as the office of any Registered Association and shall be entitled to call for and inspect all relevant documents which are necessary for the due discharge of his duties and powers under this Act. The Commissioner may for the same purpose enter, after giving reasonable notice, any premises provided by an employer for the purpose of residence of his employees.

(4) All particulars contained in or information obtained from any document inspected or called for under sub-section (3) shall, if the person in whose possession the document was, so requires, be treated as confidential.

(5) The Commissioner shall be entitled to appear in any proceeding under the Act and also to attend meetings of Registered Associations.

Commissioner's Duties.

5. It shall be the duty of the Commissioner to help in organising association of employees in each industrial undertaking employing not less than 100 workmen, and to assist and guide the officers of

Registered Associations in the discharge of their duties and in develop ing the work of such Associations.

Registrar of Associations.

6. (1) The Government shall appoint an officer to be Registrar of Associations for Mysore.

(2) He shall maintain a Register of Associations and such other Registers as may be prescribed.

(3) On receipt of an application from an association of employees for registration and on payment of the prescribed fee, the Registrar shall, if he is satisfied that the association fulfills the prescribed conditions, register the association and issue a certificate of registration.

(4) Every such Registered Association shall be a body corporate by the name under which it has been registered and shall have perpetual succession and a common seal with power to acquire and hold both movable and immovable property and to contract, and shall by the said name sue and be sued.

Provisions to be contained in the Rules of an Association.

7. An association shall not be entitled to registration under this Act unless the executive thereof is constituted in accordance with the provisions of this Act, and the rules thereof provide for the following matters, namely,—

(*a*) the name of the association ;

(*b*) the whole of the objects for which the association has been established ;

(*c*) the whole of the purposes for which the general funds of the association shall be applicable, all of which purposes shall be purposes to which such funds are lawfully applicable under this Act ;

(*d*) the maintenance of a list of the members of the association and adequate facilities for the inspection thereof by the officers and members of the association ;

(*e*) the admission of ordinary members who shall be members actually engaged or employed in the industrial undertaking concerned and also the condition for the admission of honorary members as officers ; provided that not more than two such members shall be so admitted into any association and provided further that no one shall be an honorary member of more than one association at the same time ;

(*f*) the conditions under which any member shall be entitled to any benefit assured by the rules and under which any fine or forfeiture may be imposed on the members ;

(*g*) the matter in which the rules shall be amended, varied or rescinded ;

(*h*) the manner in which the members of the executive and the other officers of the association shall be appointed and removed :

(*i*) the safe custody of the funds of the association, an annual audit in such manner as may be prescribed, of the accounts thereof and adequate facilities for the inspection of the account books by the officers and members of the association ;

(*j*) the manner in which the association may be dissolved ; and

(*k*) the procedure to be followed before the association can call a strike, including a secret ballot of the members and the minimum votes necessary

Objects on which general Funds may be spent.

8. The general funds of a Registered Association shall not be spent on any other objects than the following, namely,—

(*a*) the payment of salaries, allowances and expenses to officers of the association ;

(*b*) the payment of expenses for the administration of the association, including audit of the accounts of the general funds of the association ;

(*c*) the prosecution or defence of any legal proceeding to which the association or any member thereof is a party, when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the association as such or any rights arising out of the relations of any member with his employer or with a person whom the member employs ;

(*d*) the conduct of labour disputes on behalf of the association or any member thereof ;

(*e*) the compensation of members for loss arising out of labour disputes ;

(*f*) allowances to members or their dependants on account of death, old age, sickness, accidents or unemployment of such members ;

(*g*) the provision of educational or social benefits for members (including the payment of the expenses of funeral or religious cere monies for deceased members) ;

(*h*) subject to any conditions contained in the notification, any other object notified by the Government in the official Gazette.

Standing Orders regarding Industrial Matters.

9. (1) Within three months after the commencement of the Act, the employer in respect of every industrial undertaking employing not less than 100 workmen shall furnish the Commissioner with a statement of standing orders regulating the relations between him and his employees in respect of matters specified in Schedule I of this Act and simultaneously furnish a copy of the same in English and Kannada to the Registered Association of employees in his concern.

(2) The association shall submit to the Commissioner within 15 days of such receipt any points objected to by them as inconsistent with existing practice. The Commissioner shall thereupon hold a summary enquiry on such points, settle the standing orders as found by him and furnish both to the employer and to the association a copy of the standing orders as settled by him.

(3) The Commissioner shall send a copy of standing orders so settled to the Registrar, for registering them in a Register of Standing Orders and Agreements.

(4) The standing orders settled by the Commissioner of Labour under sub-section (2) shall be determinative of the relations between the employer and his employees, in all matters included therein.

Employers or Employees desiring Change in Standing Orders and other Industrial Matters to give Notice.

10. (1) Any employer intending to effect any change in any standing order settled under section 9 or in respect of an industrial matter mentioned in Schedule II shall give notice of such intention in the prescribed form to the Registered Association. He shall send a

copy of such notice to the Commissioner of Labour, the Chief Conciliator, the Registrar, and to such other person as may be prescribed. He shall also affix a copy of such notice at a conspicuous place in the premises where the employees affected by the change are employed for work and at such other place as may be directed by the Chief Conciliator in any case.

(2) A Registered Association desiring a change in any such standing order or in respect of any other industrial matter shall give notice in the form prescribed to the employer and shall also forward a copy of the notice to the Commissioner of Labour, the Chief Conciliator, the Registrar, and to such other person as may be prescribed.

(3) The Commissioner shall ascertain within 15 days after the rsceipt of such notice whether the proposed change is mutually agreed to between the employer and the Association and if so agreed to, send a copy relating to the change to the Registrar for registering it in the Register of Agreements and inform both parties. In case of disagreement within 15 days, he shall report to the Chief Conciliator for initiating conciliation proceedings under this Act.

(4) The employers and the Registered Association shall maintain records of all negotiations with each other and shall produce such records when called upon to do so during any subsequent proceedings under the Act.

Conciliators and Board of Conciliation.

11. (1) The Registrar of Associations shall be *ex-officio* Chief Conciliator in Mysore.

(2) The Government may, on the recommendation of the Chief Conciliator, appoint a Special Conciliator in respect of any dispute.

(3) During the pendency of any proceedings before the Conciliator under the foregoing provisions, the Government may, and if both the parties agree either prior to the commencement of such proceedings or after the failure of the Conciliator to bring about a settlement shall, refer the dispute to a Board of Conciliation consisting of three independent persons.

Conciliation Proceedings.

12. (1) The Conciliator or the Board shall conclude the enquiry within one month of the initiation of conciliation proceedings or the appointment of the Board, as the case may be.

(2) If a settlement be reached in the conciliation proceedings, the Conciliator or the Chairman of the Board shall send a report of proceedings with a copy of the memorandum of settlement to the Registrar and to both the parties.

(3) The Registrar shall record the settlement in the Register of Agreements.

(4) Where the parties do not come to a settlement, the Conciliator or the Board shall submit a report to Government through the Chief Conciliator aud such report shall be published in the official Gazette not later than the second issue after the date of receipt of the report.

Court of Arbitration and Proceedings in Arbitration.

13. (1) The Government may constitute a Court of Aribitration for determining industrial disputes.

(2) At any time during the progress of the conciliation proceedings, the employer and the Association concerned may jointly apply to the Chief Conciliator for referring the point in dispute to arbitration, forthwith.

(3) The Chief Conciliator shall thereupon submit the application to the Government who shall refer it to the Court of Arbitration or the Sole Arbitrator, if one is mentioned in the application.

(4) The Court of Arbitration or the Sole Arbitrator shall certify its or his award to the Registrar and to the parties in dispute.

(5) The Registrar shall record the Award in the Register of Agreements.

(6) The award shall be binding on the parties to the dispute and on their successors and assigns and shall not be called in question in any Civil or Criminal Court or other judicial proceedings.

Limitation on Notice of Change.

14. No notice of change under section 10 shall be given in respect of a matter settled—

(*a*) by an agreement or settlement within six months from its regisiration, and

(*b*) by an award, within a year from its registration, provided that by consent of both parties an agreement to modify any such agreement, settlement or award, may be registered at any time.

Nature of Proceedings before Conciliator and Court.

15. All proceedings before the Commissioner of Labour or a Conciliator or a Board or a Sole Arbitrator shall be confidential. Proceedings before a Court of Arbitration shall be public except where the Court directs its sittings to be *in camera*.

Commissioner, Conciliator and Member of Board to be Public Servants.

16. The Commissioner, an Assistant Commissioner, a Conciliator, every member of the Board of Conciliation and Sole Arbitrator and every member of the Court of Arbitration shall be deemed to be a public servant within the meaning of section 21, Indian Penal Code, as in force in Mysore.

Penalty for obstructing any Person from carrying out his Duties under this Act.

17. Any person who wilfully refuses entry to the Commissioner to any place which he is entitled to enter under section 4 or who fails to produce any document which he is required to produce, or who fails to comply with any requisition or order issued to him by or under the provisions of this Act shall, on conviction, be punishable with fine which may extend to rupees one hundred and in respect of a continuing failure, with an additional fine of rupees twenty-five per day for every day during which such failure continues after the last conviction for such failure.

Procedure before the Conciliator and Court.

18. (1) In respect of every proceeding before them, the Conciliator, the Board of Conciliation, the Sole Arbitrator and the Court

of Arbitration shall have the same powers as are vested in Courts under the Code of Civil Procedure, 1911, in respect of the following matters when trying a suit :—

(*a*) summoning and enforcing the attendance of any person and examining him on oath ;

(*b*) compelling the production of documents ;

(*c*) issuing commissions for the examination of witnesses ;

(*d*) proof of facts by affidavits ;

and shall have such further powers as may be prescribed.

(2) (*a*) Every proceeding before a Court of Arbitiation shall be deemed to be a judicial proceeding within the meaning of sections 192, 193 and 228 of the Indian Penal Code, as in force in Mysore, and within the meaning of the Contempts of Courts Act, 1930.

(*b*) Parties before the Court of Arbitration may be represented by counsel.

(3) There shall be no award of costs in any proceeding under this Act.

Information furnished by a Party to be treated as Confidential.

19. (1) If a party to an industrial dispute giving any information or producing any document in any proceeding under this Act makes a request in writing to the Conciliator, the Board, the Sole Arbitrator or the Court, as the case may be, that such information or the contents of such document may be treated as confidential, the Conciliator, the Board or the Sole Arbitrator or the Court, as the case may be, shall direct that such information or document be treated as confidential.

(2) The Conciliator or any member of the Board or Sole Arbitrator or Court or any person present at or concerned in any proceeding under this Act shall not disclose any information or the contents of any document in respect of which a request has been made under sub-section (1) without the consent in writing of the party making the request under the said sub-section.

(3) Nothing in this section shall apply to disclosure of any information or the contents of any document for the purpose of a prosecution under this Act or under any other law for the time being in force.

Penalty for disclosing Confidential Information.

20. If a Conciliator or a member of a Board or Sole Arbitrator or Court or any person present at or concerned in any proceeding under this Act wilfully discloses any information or the contents of any document in contravention of this Act, he shall, on a complaint made by the party who gave the information or produced the document in such proceeding and on conviction, be punishable with fine which may extend to rupees one thousand.

Illegal Changes.

21. (1) No employer shall make any change in any industrial matter in regard to which a standing order has been settled under section 9 or which is mentioned in Schedule II before the agreement referred in sub-section (3) of section 10 is arrived at or where no such agreement is arrived at before the conciliation proceedings are completed or in cases where the dispute is referred to aribitration, before the award has been given.

(2) No employer shall make any such change in contravention of the terms of a Registered Agreement, a settlement or an award.

(3) Any change made in contravention of the provisions of sub-section (1) or (2) shall be illegal.

Penalty for Illegal Changes.

22. (1) Any employer who makes any illegal change shall, on conviction, be punishable with fine which may extend to rupees five-thousand and in the case of a continuing offence with an additional fine which may extend to rupees two-hundred per day for every day during which the offence continues after his last conviction for such offence.

(2) An employer who acts in contravention of a standing order settled under section 9 shall, on conviction, be punishable with fine which may extend to rupees one-hundred and in the case of continuing contravention of such standing order, with an additional fine which may extend to rupees twenty-five per day for every day during which such contravention continues after his last conviction for such contravention.

Employer not to dismiss, reduce or punish an Employee for being connected with an Association.

23. (1) No employer shall dismiss or reduce any employee or punish him in any other manner by reason of the circumstance that the employee—

(*a*) is an officer or member of a Registered Association or of an association which has applied for being registered under this Act ; or

(*b*) is entitled to the benefit of a Registered Agreement, settlement or award ; or

(*c*) has appeared or intends to appear as a witness or has given evidence or intends to give evidence in a proceeding under this Act ; or

(*d*) has gone on or joined a strike which is not illegal under the provisions of this Act.

(2) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punishable with fine which may extend to rupees one thousand.

(3) Where the offence is one of wrongful dismissal, the Court shall direct that the employer shall pay the dismissed employee wages for the period he is kept out of employment, based on his average wages for the twelve months preceding the date of dismissal.

(4) Where the offence is one of wrongful reduction or other punishment, the Court trying any offence under this section may direct that out of the fine recovered, such amount as it deems fit shall be paid to the employee concerned as compensation.

Illegal strikes and lock-outs.

24. A strike or a lock-out shall be illegal which has any object other than or in addition to the furtherance of an industrial dispute within the industrial undertaking in which the strikers or employer locking-out are engaged.

Illegal strikes.

25. (1) A strike shall be illegal if it is commenced or continued—

(*a*) without giving notice in accordance with the provisions of section 10, and before the initiation of conciliation proceedings where an agreement is not arrived at;

(*b*) only for the reason that the employer has not carried out the provisions of any standing order or has made an illegal change;

(*c*) in cases where conciliation proceedings in regard to the industrial dispute to which the strike relates have commenced, before the expiry of 14 days after the publication of the report;

(*d*) in cases where the dispute has been referred to arbitration, before an award has been given;

(*e*) in contravention of the terms of a Registered Agreement, settlement or award.

(2) In cases where conciliation proceedings in regard to any industrial dispute have been completed, a strike relating to such dispute shall be illegal if it is commenced at any time after the expiry of two months after the publication of the report.

Illegal lock-outs.

26. (1) A lock-out shall be illegal if it is declared, commenced or continued—

(*a*) without giving notice in accordance with the provisions of section 10, and before the initiation of conciliation proceedings where an agreement is not arrived at;

(*b*) in cases where conciliation proceedings in regard to the industrial dispute to which the lock-out relates have commenced before the expiry of 14 days after publication of the report;

(*c*) in cases where the dispute has been referred to arbitration, before an award has been given;

(*d*) in contravention of the terms of a Registered Agreement. settlement or award.

(2) In cases where conciliation proceedings in regard to any industrial dispute have been completed, a lock-out relating to such dispute shall be illegal if it is commenced at any time after the expiry of two months after the publication of the report.

Penalty for declaring an Illegal lock-out.

27. Any employer who has declared a lock-out and continues it after it has been declared by the Registrar to be illegal shall, on conviction, be punishable with fine which may extend to rupees two thousand and five hundred and shall, in addition, be directed by the Court to pay the employees kept out of employment by such lock-out, wages for the period they are so kept out, based on the average earned by each employee during the twelve months preceding the commencement of the lock-out.

Penalty for declaring or commencing an Illegal strike.

28. Any employee who has gone on strike and continues to be on strike or who joins a strike, after it has been declared by the

Registrar to be illegal shall, on conviction, be punishabe with imprisonment of either description for a term which may extend to 15 days or fine which may extend to rupees twenty-five and in the case of a continuing offence with an additional fine which may extend to rupee one per day for every day during which the offence continues after his last conviction for such offence subject to a maximum of rupees fifty.

Penalty for Instigation, etc., of Illegal strikes and lock-outs.

29. (*a*) If any person instigates or incites others to take part in, or otherwise acts in furtherance of, a strike or lock-out which is declared to be illegal by the Registrar, whether such strike or lock-out has commenced or not, he shall, on conviction, be punishable with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Explanation.—For the purpose of this section, a person who contributes, collects or solicits, funds for the purpose of any such strike or lock-out shall be deemed to act in furtherance thereof.

(*b*) Any person who instigates or incites an employer or an employee to secure relief in respect of an industrial matter, otherwise than through the provisions of this Act shall, on conviction, be punishable with imprisonment of either description for a term which may extend to three months or with fine or with both.

Liability of the Executive of an Association

30. Where anything is required to be done by any association by or under any provision of this Act, the person authorised in this behalf by the executive of the association or if no person is so authorised every member of the executive of the association shall be bound to do the same and shall be personally liable if default is made in the doing of any such thing.

Explanation.—For the purpose of this section, executive of an association means the body by whatever name called to which the management of the affairs of the association is entrusted.

Certain Acts not to apply to Associations.

31. The following Acts, namely,—

(*a*) The Societies Registration Act, 1904,

(*b*) The Mysore Co-operative Societies Act, 1918,

(*c*) The Mysore Companies Act, 1938, and

(*d*) The Insurance Act, 1939,

shall not apply to any Registered Association and the registration of any association of industrial employees under any such Act shall be void.

32. No organisation of employees other than those constituted under this Act shall be recognised or permitted to be represented in any proceedings under this Act.

Persons acting in Good Faith not to be sued.

33. No suit or proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Immunity from Civil Suit in certain Cases.

34. (1) No suit or other legal proceeding shall be maintainable in any civil court against any Registered Association or any officer or

member thereof in respect of any act done in contemplation or furtherance of an industrial dispute to which a member of the association is a party on the ground only that such act induces some other person to break a contract of employment, or that it is in interference with the industry, business or employment of some other person or with the right of some other person to dispose of his capital or of his labour as he wills.

(2) A Registered Association shall not be liable in any suit or other legal proceeding in any civil court in respect of any tortuous act done in contemplation or furtherance of an industrial dispute by an agent of the association if it is proved that such person acted without the knowledge of, or contrary to express instructions given by the executive of the association.

Enforcement of Agreements.

35. Notwithstanding anything contained in any other law for the time being in force, an agreement between the members of a Registered Association shall not be void or voidable merely by reason of the fact that any of the objects of the agreement are in restraint of trade :

Provided that nothing in this section shall enable any civil court to entertain any legal proceeding instituted for the express purpose of enforcing or recovering damages for the breach of any agreement concerning the conditions on which any member of an association shall or shall not work, or be employed.

Jurisdiction of Courts.

36. No court inferior to that of a Magistrate of the First Class shall try offences under this Act.

Rules.

37. (1) The Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made for all or any of the following matters, namely,—

(*a*) the form in which the certificate of registration may be issued ;

(*b*) the constitution of a Board or Court and the qualifications for a Special Conciliator, or member of a Board or of the Court ;

(*c*) the fee to be paid on applications under this Act ;

(*d*) the manner in which the total number of employees is to be computed for the purposes of this Act ;

(*e*) the other powers of the several authorities under section 18 ;

(*f*) the manner in which standing orders may be submitted under section 9 ;

(*g*) the form in which notice of change is to be given and the persons to whom copies of such notice are to be sent under section 10 ;

(*h*) the form in which a statement of the case is to be forwarded to a Special Conciliator, Board or Court or Sole Arbitrator ;

(*i*) the procedure to be followed by the several authorities under this Act ;

(*j*) the registers to be maintained by the employer, and the returns and the information to be periodically furnished by him to the Commissioner of Labour or to other authorities for the purposes of this Act ;

(*k*) the officers to be deemed as employers in respect of industrial undertakings owned by the Government; and

(*l*) the form in which the memorandum of agreement, settlement or the award shall be drawn up and the manner in which it shall be recorded and published by the Registrar.

(3) The Government may also prescribe a fine not exceeding rupees one hundred for a breach of any such rule.

(4) The rules made under this section shall be subject to the condition of previous publication in the official Gazette.

Repeal and Savings.

38. The Mysore Labour (Emergency) Act, 1941, is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act shall be deemed to have been made, done or taken, in exercise of powers conferred by or under this Act as if this Act had commenced on the 26th day of August 1941.

SCHEDULE I.

SECTION 9.

1. Classification of employees, *e.g.*, permanent, temporary, apprentices, probationers, etc.

2. Manner of notification to employees of periods and hours of work, holidays, pay days and wage rates.

3. Shift working.

4. Attendance and late coming.

5. Leave and holidays, conditions, procedure and authority to grant.

6. Liability to search and entry into premises by certain gates.

7. Temporary stoppages of work and rights and liabilities of employers and employees arising therefrom.

8. Termination of employment. Notices to be given by employer and employee.

9. Punishment for misconduct and the acts or omissions which constitute misconduct.

10. Means of redress for employees against unfair treatment or wrongful exaction on the part of the employer or his agent or servant.

11. Rules of discipline.

SCHEDULE II

SECTION 10.

1. Reduction intended to be of permanent or semi-permanent character in the number of persons employed or to be employed not due to *force majeure*.

2. Introduction of rationalisation, efficiency or other new systems of work.

3. Starting, alteration or discontinuance of shift working otherwise than in accordance with the standing orders.

4. Withdrawal of any customary concession or privilege or change in usage.

5. Wages and total weekly hours of work.

II. Bill to amend the Code of Civil Procedure (Amendment) Act, 1938 (XIII of 1938).

WHEREAS it is expedient to amend the Code of Civil Procedure (Amendment) Act, 1938 (XIII of 1938) for the purpose hereinafter appearing; it is hereby enacted as follows:—

Short Title.

1. This Act may be called an Act to amend the Code of Civil Procedure (Amendment) Act, 1938.

Omission of Section 3, Act XIII of 1938.

2. Section 3 of the Code of Civil Procedure (Amendment) Act, 1938, shall be omitted.

Repeal.

3. The Emergency Act to amend the Code of Civil Procedure (Amendment) Act, 1938, is hereby repealed.

III. The Mysore Cotton Control Bill.

AN ACT TO PROVIDE FOR THE PROHIBITION OF THE CULTIVATION, POSSESSION OR TRANSPORT OF INFERIOR VARIETIES OF COTTON.

WHEREAS it is expedient for maintaining the quality and reputation of the cotton grown in certain areas of the Mysore State, to prohibit the cultivation of inferior varieties of cotton and to restrict and control the transport of such inferior varieties into the cotton areas in Mysore and to prevent the mixing of such cotton with the Superior varieties; it is hereby enacted as follows:—

Short Title and Extent.

1. (1) This Act may be called the Mysore Cotton Control Act, 1941.

(2) It extends to the whole of Mysore.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context—

(*a*) 'Cotton' includes cotton plant, ginned ond unginned cotton, cotton waste and cotton seed;

(*b*) 'Director of Agriculture' means the Officer appointed for the time being to be the Director of Agriculture;

(*c*) 'Inferior cotton' means varieties of cotton prohibited by notification under section 3;

(*d*) 'License' means a license granted under this Act;

(*e*) 'Controlled area' means an area specified in a notification under section 3.

Power to issue notification prohibiting the cultivation, etc., of inferior cotton.

3. The Government may, by notification in the official *Gazette*, in such local area and for such period as may be specified in the notification—

(*a*) prohibit or regulate the cultivation of specified varieties of cotton; or

(*b*) prohibit or regulate the mixing of such cotton with any other cotton; or

(*c*) prohibit or restrict the possession or use of, or trade in such cotton; or

(*d*) prohibit the import of specified varieties of cotton in quantities of more than 10 lbs. except under license; or

(*e*) prohibit the construction, except under a licence of ginning and pressing factories in such local area or within 10 miles from the outmost limit of the area. Such licence may fix the varieties of cotton and the zone from which cotton may be ginned in the factory.

Penalties.

4. Any person, who in contravention of the provisions of this Act or of any notification issued under section 3 or rule made under section 14 knowingly—

(*a*) cultivates any inferior cotton shall, on conviction, be punishable with fine which may extend to rupees twenty for the first offence and to rupees fifty for every subsequent offence;

(*b*) (i) mixes or causes to be mixed such cotton with any other cotton, or

(ii) possesses, uses or trades in such cotton or any mixture of which such cotton forms a part, or

(iii) imports without licence any such cotton; shall on conviction be punishable with fine which may extend to rupees five hundred for the first offence and rupees one thousand for every subsequent offence;

(*c*) constructs any ginning and pressing factory in the area specified in clause (*e*) of section 3 without licence shall, on conviction, be punishable with fine which may extend to rupees two hundred for every day that the factory is continued in such area.

Confiscation.

5. Whenever an offence under this Act has been committed, all cotton in respect of which the offence has been committed and every box, receptacle, package or covering in which such cotton is contained shall be liable to confiscation.

Procedure in confiscation.

6. (1) When in any case tried by a Criminal Court, the Court decides that anything is liable to confiscation under section 5, it may, after hearing the person, if any, claiming any right thereto and the evidence, if any, which he produces in support of his claim, order confiscation.

(2) When an offence under this Act has been committed and the offender is not known or cannot be found or when anything liable to confiscation under this Act is found and is not claimed by any person, the officer authorised by the Government in this behalf may hold an inquiry and may order confiscation :

Provided that no such order shall be made before the expiration of one month from the date of seizing the thing liable to confiscation or without hearing the person, if any, claiming any right thereto and the evidence, if any, which he produces in support of his claim.

Compounding.

7. (1) The officer authorised under sub-section (2) of section 6 may accept from any person who is reasonably suspected of having committed an offence under section 4 such sum of money as may be prescribed by rules made under section 14 by way of composition for such offence.

(2) On payment of such sum, such person, if in custody, shall set at liberty, and if proceedings in any Criminal Court have been instituted against such person in respect of such offence, the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect of such offence.

(3) Notwithstanding anything contained in sub-section (2) it shall be lawful for the Court or the Officer authorised under sub-section (2) of section 6 to order confiscation under section 5.

Power to entry and seizure.

8. (1) Any officer authorised in this behalf by the Government may, between the hours of 6 A.M. and 6 P.M.—

(*a*) enter upon any land in a controlled area in which he knows or has reason to believe that inferior cotton has been or is being cultivated in contravention of a notification under section 3, uproot or cause to be uprooted such cotton, and seize the cotton so uprooted ; or

(*b*) enter upon or into any land, building, vehicle or place in a controlled area in which he knows or has reason to believe believe that inferior cotton or any mixture containing inferior cotton is kept in contravention of a notification under section 3 and seize such cotton.

(2) Every Officer seizing any cotton under this section shall forthwith—

(*a*) make a report of such seizure to the nearest Magistrate of the first or second class having jurisdiction to try the offence committed in respect of such cotton, specifying in such report the particulars of such cotton and furnish a copy of such particulars to the occupier, or person in charge of the land, building, vehicle or place on or in which such seizure was made, and

(*b*) subject to rules made under section 14, forward such cotton to the nearest officer authorised by the Government to receive it for examination and for report to the Director of Agriculture.

(3) The opinion of the officer authorised under sub-section (2) regarding such cotton recorded in any document signed by such officer shall be evidence as to the nature of such cotton in any inquiry, trial or proceeding under this Act.

Duty of Owner, Occupier and Person in charge to give facilities or inspection by authorised Officer.

9. (1) Every owner, occupier or person in charge of any land, building, vehicle or place shall give all resonable facilities to the officer authorised under sub-section (1) of section 8, to inspect such land, building, vehicle or place.

(2) Any person who contravenes the provisions of sub-section (1), shall, on conviction be punishable with fine which may extend to rupees twenty.

Previous Sanction and Limitation for Prosecution.

10. No prosecution under this Act shall be instituted without the previous sanction of the Director of Agriculture.

Cognizance of Offences.

11. No criminal court inferior to that of a Magistrate of the second class shall try any offence under this Act.

Protection for acts done unper this Act.

12. No suit, prosecution or other legal proceeding shall be instituted against any person for any thing which is in good faith done or intended to be done under this Act.

Officer acting under the Act to be Public Servant.

13. Every Officer acting or purporting to act in pursuance of the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, as in force in Mysore.

14. *Rules.*—(1) The Government may make rules not inconsistent with the provisions of this Act for the purpose of carrying into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, the Government may make rules for all or any of the following purposes, namely :—

(*a*) to prescribe the sum of money to be paid by way of composition under section 7 ;

(*b*) to prescribe the condition subject to which cotton seized may be forwarded under section 8 ;

(*c*) to fix the terms and conditions of licences for import of inferior cotton and the authorities by whom such licenses may be granted ;

(*d*) to fix the terms and conditions of licenses which may be granted for the construction of ginning and pressing factories in the areas specified in clause (*e*) of section 3 and the authorities by whom such licences may be granted ;

(*e*) any other matter which is to be or may be prescribed.

(3) Any such rule may provide that a contravention thereof shall be punishable with fine which may extend to rupees fifty.

(4) The rules made under this section shall be subject to the condition of previous publication in the official Gazette.

IV. The Air Raid Precautions Services Bill.

A BILL TO PROVIDE FOR THE CONSTITUTION OF AIR RAID PRECAUTIONS SERVICES.

WHEREAS it is expedient to provide for the constitution of Air Raid Precautions Services to carry out measures for the protection of persons and property against hostile attack whether from the air or otherwise ; it is hereby enacted as follows :—

Short Title, Extent and Commencement.

1. (1) This Act may be called the Air Raid Precautions Services Act, 1941.

(2) It extends to the whole of Mysore

(3) It shall come into force at once.

Constitution of Air Raid Precautions Services.

2. The Government may constitute for any area a body to be called an Air Raid Precautions Service, and may appoint a person, hereinafter called the Controller, to command such body in such area.

Appointment of Members and Officers.

3. (1) Any authority authorised in this behalf by the Government may appoint as members of an Air Raid Precautions Service so many persons who are fit and willing to serve as such as it is authorised by the Government to appoint, and the Controller may appoint any such member to any office of command in the service.

(2) Every person so appointed to be a member of an Air Raid Precautions Service shall be given a certificate of membership in such form as may be prescribed.

Dismissal of Members.

4 The Controller or any other authority authorised in this behalf by the Government may, by order in writing, dismiss summarily from an Air Raid Precautions Service any member thereof if, in the opinion of the Controller or such other authority, he fails to discharge satisfactorily his duties as such member, or is guilty of misconduct in the

discharge of his duties as such member, or his continued presence in the service is otherwise undesirable.

Functions of Members.

5. (1) The members of an Air Raid Precautions Service shall perform such functions in relation to the carrying out of measurers for the protection of persons and property against hostile attack as may be assigned to them by or under this Act or any other law for the time being in force.

(2) The Controller or any person authorised in this behalf by the Controller or by the Government may, at any time, call out a member of an Air Raid Precautions Service for training or to discharge any such function as aforesaid.

Bar of Suits.

6. No suit, prosecution or other legal proceeding shall lie against the Controller or any member of an Air Raid Precautions Service for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

Protection against Prosecution.

7. No prosecution shall be instituted against the Controller or any member of an Air Raid Precautions Service in respect of anything done or purporting to be done by him in discharge of his functions as such Controller or member except with the previous sanction of the Government.

Penalty.

8. If any member of an Air Raid Precautions Service, on being called out under sub-section (2) of section 5, without sufficient excuse neglects or refuses to obey any lawful order or direction given to him for the performance of his duties, he shall, on conviction by a competent Court, be punishable with fine which may extend to fifty rupees.

Rule-making Power.

9. The Government may make rules consistent with this Act—

(*a*) prescribing the duties of members of Air Raid Precautions Services, and regulating the manner in which they may be called out for service;

(*b*) regulating the organization, appointment, conditions of service, discipline, accoutrements and clothing of members of any or all Air Raid Precautions Services;

(*c*) prescribing the form of certificates of membership of any or all Air Raid Precautions Services;

(*d*) generally for giving effect to the provisions of this Act.

Repeal and Savings.

10. The Air Raid Precautions Services (Emergency) Act, 1941, is hereby repealed. But any rules framed, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 19th day of August 1941.

V. The Mysore European British Subjects Reinstatement (Amendment) Bill.

WHEREAS it is expedient to amend the Mysore European British Subjects Reinstatement Act, 1941 (XVI of 1941); It is hereby enacted as follows:—

1. This Act may be called the Mysore European British Subjects Reinstatement (Amendment) Act, 1941.

2. (1) Section 3 of the Mysore European British Subjects Reinstatement Act 1941, shall be renumbered as sub-section (1) of that section and in the said section as so renumbered—

(*a*) for the words, "at the termination of that service" the words, "at the termination of his national service or service in the armed forces or training as a cadet where such training is not followed by service in the armed forces, as the case may be," and for the words "had he not been so taken into service as aforesaid" the words "had his employment not been so interrupted" shall be substituted:

(*b*) in the first proviso, for the words "Provided that if for any reason the reinstatement of such person or member," the following words shall be substituted, namely:—

"Proveded that if the employer refuses to reinstate such person, or denies his liability to reinstate such person or if for any reason the reinstatement of such person,"

and the words "or member" where they occur for the second and third times shall be omitted;

(*c*) in the second proviso, for the words "from the termination of the national service for which he was called up under the Act" the words "from the termination of his national service or service in the armed forces or training as a cadet where such training is not followed by service in the armed forces, as the case may be" shall be substituted.

(2) To the said section as so renumbered, the following sub-section shall be added, namely:—

"(2) The duty imposed by sub-section (1) upon an employer to reinstate in his employment a person such as is described in that sub-section shall attach to an employer who, before such person is actually called up or taken into service, terminates his employment in circumstances such as to indicate an intention to evade the duty imposed by that sub-section, and such intention shall be presumed until the contrary is proved if the termination of the employment takes place after the issue of a notice under sub-section (1) of section 4 of the Act upon such person."

VI. The War Donations and Investments (Companies) Bill.

A BILL TO ENABLE COMPANIES IN MYSORE TO MAKE DONATIONS TO PUBLIC FUNDS FORMED, AND TO MAKE INVESTMENTS IN GOVERNMENT LOANS FLOATED, FOR THE PURPOSE OF ASSISTING THE PROSECUTION OF THE PRESENT WAR.

WHEREAS it is expedient to enable companies in Mysore to make donations to public funds formed, and to make investments in Government loans floated, for the purpose of assisting the prosecution of the present war;

And whereas it is also expedient to remove doubts as to the legality of such donations and investments where already made; it is hereby enacted as follows:—

Short Title.

1. This Act may be called the War Donations and Investments (Companies) Act, 1941.

Interpretation.

2. In this Act "Government loan" includes a loan floated by the Government of the United Kingdom or by the Government of India.

Power of Companies to make Donations and Investments.

3. Any company formed and registered under the Mysore Companies Act, 1938, or under the Mysore Companies Act, 1917, or under the Mysore Companies Act, 1895, may, notwithstanding anything contained in the Mysore Companies Act, 1938, and notwithstanding that the Memorandum of Association or the Articles of Association of the Company do not enable it so to do, by special resolution authorise the making of a donation from the Company's assets to a public fund formed, or the making of an investment of the Company's assets in a Government loan floated, for the purpose of assisting the prosecution of the present war.

Validation of Donations and Investments already made.

4. Any donation to a public fund formed, and any investment a Government loan floated, for the purpose of assisting the prosecution of the war made by any company to which this Act applies between the 3rd day of September 1939 and the commencement of the Act shall be as valid in all respects as if it had been made in accordance with the provisions of section 3 and after the commencenment of this Act.

Decision of doubts.

5. If any question arises whether for the purposes of this Act a loan is a Government loan floated for the purpose of assisting the prosecution of the present war or whether a fund is a public fund formed for the purpose of assisting the prosecution of the present war, the question shall be decided by the Government, whose decision shall be final.

VII. The Code of Civil Procedure (Amendment) Bill.

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1911, for the purposes hereinafter appearing; it is hereby enacted as follows:—

Short Title and Commencement.

1. (i) This Act may be called the Code of Civil Procedure (Amendment) Act, 1941.

(ii) It shall come into force at once.

Insertion of new sections in Act III of 1911.

2. After section 82 of the Code of Civil Procedure, 1911, the following new sections shall be inserted, namely:—

Government of India may sue.

"84. The Government of India may sue in any Court of Mysore: Provided that the object of the suit is to enforce a private right vested in the Government of India or in any officer of the Government of India in his public capacity.

Persons specially appointed by Government to prosecute or defend for Government of India.

"85. (1) Persons specially appointed by order of the Government at the request of the Government of India and whether residing within or without Mysore, or at the request of any person competent, in the opinion of the Government, to act on behalf of the Government of India to prosecute or defend any suit on its behalf, shall be deemed to be the recognised agents by whom appearances, acts and applications under this Code may be made or done on behalf of the Government of India.

(2) An appointment under this section may be made for the purpose of a specified suit or of several specified suits, or for the purposes of all such suits as it may, from time to time, be necessary to prosecute or defend on behalf of the Government of India.

(3) A person appointed under this section may authorise or appoint persons to make appearances and applications and do acts in any suitor suits as if he were himself a party thereto.

Suits against Government of India.

"86. (1) The Government of India may, with the consent of the Government, certified by the signature of a Secretary to the Government, but not without such consent, be sued in any competent Court of Mysore.

(2) Such consent may be given with respect to a specified suit or to several specified suits or with respect to all suits of any specified class or classes, and may specify, in the case of any suit or class of suits, the Court in which the Government of India may be sued; but it shall not be given unless it appears to the Government that the Government of India—

(*a*) has instituted a suit in the Court against the person desiring to sue it, or

(*b*) by itself or another trades within the local limits of jurisdiction of the Court, or

(*c*) is in possession of immovable property situate within those limits and is to be sued with reference to such property or for money charged thereon.

(3) Except with the consent of the Government certified as aforesaid, no decree shall be executed against the property of the Government of India.

(4) A person may, as a tenant of immovable property, sue, without such consent as is mentioned in this section, the Government of India if he holds or claims to hold the property from that Government.

Style of Government of India as Party to Suits.

"87. The Government of India may sue and shall be sued in its own name :

Provided that in giving the consent referred to in the foregoing section, the Government may direct that the Government of India shall be sued in the name of an agent or in any other name."

VIII. The Mysore Railways Act (Amendment) Bill.

WHEREAS it is expedient further to amend the Mysore Railways Act, 1894, for the purposes hereinafter appearing ; it is hereby enacted as follows :—

Short Title and Commencement.

1. This Act may be called the Mysore Railways (Amendment) Act, 1941.

2. (1) Section 52 of the Mysore Railways Act, 1894 (hereinafter referred to as the said Act), shall be re-numbered as sub-section (1) of that section and in the said section as so re-numbered, after the word 'enter," the words "or remain in" shall be inserted.

(2) To the said section as so re-numbered and amended, the following sub-section shall be added, namely :—

"(2) A railway servant when granting the permission referred to in sub-section (1) shall ordinarily, if empowered in this behalf by the railway administration, grant to the passenger a certificate that the passenger has been permitted to travel in such carriage upon condition that he subsequently pays the fare payable for the distance to be travelled."

Amendment of Section 94, Act IV of 1894.

3. (1) Section 94 of the said Act shall be re-numbered as sub-section (1) of that section and in the sub-section as so re-numbered—

(*a*) in clause (*a*), for the words and figures "in contravention of section 52, any carriage on a railway," the words and figures "or remains in any carriage on a railway in contravention of section 52" shall be substituted ; and

(*b*) after the words "shall be punished," the words "with imprisonment for a term which may extend to three months or" shall be inserted.

(2) To the said section as so re-numbered and amended, the following sub-section shall be added, namely :—

"(2) Notwithstanding anything contained in section 65 of the Indian Penal Code, as in force in Mysore, the Court convicting an offender under this section may direct that the offender in default of payment of any fine inflicted by the Court, shall suffer imprisonment for a term which may extend to three months."

Amendment of Section 95, Act IV of 1894.

4 In section 95 of the said Act,—

(*a*) for sub-section (3), the following sub-section shall be substituted, namely :—

"The excess charge referred to in sub-section (1) and subsection (2) shall be a sum equivalent to the amount otherwise

payable under those sub-sections, or eight annas, whichever is greater :

Provided that where the passenger has immediately after incurring the charge and before being detected by a railway servant notified to the railway servant on duty with the train the fact of the charge having been incurred, the excess charge shall be one-sixth of the excess charge otherwise payable calculated to the nearest anna, or two annas, whichever is greater :

Provided further that if the passenger has with him a certificate granted under sub-section (2) of section 52, no excess charge shall be payable ";

(*b*) in sub-section (4), for the words beginning with " the sum payable by him shall " and ending with " be paid to the railway administration, " the following words shall be substituted, namely :—

" Any railway servant appointed by the railway administration in this behalf may apply to any Magistrate of the first or second class for the recovery of the sum payable as if it were fine, and the Magistrate if satisfied that the sum is payable, shall order it to be so recovered, and may order that the person liable for the payment shall, in default of payment, suffer impisonment of either description for a term which may extend to one month. Any sum recovered under this sub-section shall, as it is recovered, be paid to the railway administration. "

Insertion of new Section 95-A in Act IV of 1894.

5. After section 95 of the said Act, the following section shall be inserted, namely :—

Powers to remove Persons from Railway Carriage.

" 95-A. Any person who, without having obtained the permission of a railway servant travels or attempts to travel in a carriage without having a proper pass or ticket with him, or in a carriage of a higher class than that for which he has obtained a pass or purchased a ticket, or in a carriage beyond the place authorised by his pass or ticket, or who, being in a carriage fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition being made therefor under section 53, may be removed from the carriage by any railway servant authorised by the railway administration in this behalf or by any other person whom such railway servant may call to his aid, unless he then and there pays the fare and the excess charge which he is liable to pay under section 95 :

Provided that nothing in this section shall be deemed to preclude a person removed from a carriage of a higher class from continuing his journey in a carriage of a class for which he holds a pass or ticket ;

Provided further that women and children, if un-accompanied by male passengers shall not be so removed except either at the station at which they first enter the train or at a junction or terminal station or station at the headquarters of a civil district and only between the hours of 6 A.M. and 6 P.M.

IX. The Mysore Insolvency (Amendment) Bill.

WHEREAS it is expedient further to amend the Mysore Insolvency Act, 1925; it is hereby enacted as follows :—

Short Title.

1. The Act may be called the Mysore Insolvency (Amendment) Act, 1941.

Amendment of Section 58, Act XI of 1925.

2. In section 53 of the Mysore Insolvency Act (hereinafter referred to as the said Act), after the words "transfer or is adjudged insolvent" the words "on a petition presented" shall be inserted.

Addition of new Section 59-A in Act XI of 1925.

3. After section 59 of the said Act, the following section shall be inserted, namely :—

Power to require Information regarding Insolvent's Property.

"59-A. (1) The Court may, on the application of the receiver or any creditor who has proved his debt, at any time after an order of adjudication has been made, summon before it in the prescribed manner any person known or suspected to have in his possession any property belonging to the insolvent, or supposed to be indebted to the insolvent or any person whom the Court may deem capable of giving information respecting the insolvent or his dealings or property, and the Court may require any such person to produce any documents in his custody or power relating to the insolvent or to his dealings or property.

(2) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce any such document, having no lawful impediment made known to and allowed by the Court, the Court may, by warrant, cause him to be apprehended and brought up for examination.

(3) The Court may examine any person so brought before it concerning the insolvent, his dealings or property, and such person may be represented by a legal practitioner.

X. Bill to amend the Mysore Factories Act, 1936.

WHEREAS it is expedient to amend the Mysore Factories Act, 1936; it is hereby enacted as follows :—

Short Title.

1. This Act may be called the Mysore Factories (Amendment) Act, 1941.

Amendment of Section 2, Act I of 1936.

2. For clause (*j*) of section 2 of the Mysore Factories Act, 1936 (hereinafter referred to as the said Act), the following clause shall be substituted, namely :—

"(*j*) 'factory' means any premises including the precincts thereof wherein 10 or more workers are working or were working on

any day of the preceding 12 months, and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on,

but does not include a Mine subject to the operation of the Mysore Mines Act, 1906;"

Amendment of Section 5, Act I of 1936.

3. (*a*) For sub-section (1) of section 5 of the said Act, the following sub-section shall be substituted, namely :—

"(1) Notwithstanding anything contained in clause (*j*) of section 2, the Government may, by notification in the official Gazette declare any premises whereon or within the precincts whereof a manufacturing process is carried on, whether with or without the aid of power and whereon or within the precincts whereof, less than 10 workers are employed, to be a factory for all or any of the purposes of this Act."

(*b*) Sub-section (3) of section 5 of the Act, shall be omitted.

XI. The Mysore Coffee Market Expansion Bill.

WHEREAS the Mysore Coffee Market Expansion (Emergency) Act, 1940, was promulgated on the 20th day of December 1940 to provide for assistance to the coffee industry by regulating the export of coffee from, and the sale of coffee in, Mysore and by other means and was continued by the Mysore Coffee Market Expansion (Emergency Continuance) Act, 1941.

And whereas it is expedient to continue the provisions contained in the aforesaid Acts ; it is hereby enacted as follows :—

Short Title, Extent and Commencement.

1. (1) This Act may be called the Mysore Coffee Market Expansion Act, 1941.

(2) It extends to the whole of Mysore.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "the board" means the Indian Coffee Market Expansion Board" constituted by the Government of India under the Ordinance ;

(*b*) "coffee" means the commodity derived from the fruit of the rubiaceous plant known by that name, and includes raw coffee, cured coffee, uncured coffee, roasted coffee and prepared coffee;

(*c*) "controller of coffee" means the controller of coffee appointed under the Ordinance ;

(*d*) "curing" means the application to raw coffee of mechanical processes, other than pulping, for the purpose of preparing it for marketing ;

(*e*) "curing establishment" means any place to which raw coffee is sent by a registered owner for curing, and includes any estate which the Board may declare to be a curing establishment for the purposes of this Act;

(*f*) "Emergency Act" means the Mysore Coffee Market Expansion (Emergency) Act, 1941.

(*g*) "estate" means an area administered as one unit which contains land planted with coffee plants;

(*h*) "internal sale quota" means that portion stated in terms of bulk or weight, of the whole of the coffee produced by an estate in the year which a registered estate is permitted to sell in the Indian market;

(*i*) "Ordinance" means the Coffee Market Expansion Ordinance 1940, of the Government of India;

(*j*) "prescribed" means prescribed by rules made under this Act;

(*k*) "registered estate" means an estate in respect of which an owner is registered under sub-section (1) of section 5, or under sub-section (1) of section 14 of the Ordinance, or under any law or rule having the force of law of an Indian State; and includes also any estate in respect of which an owner is required to be registered under the provisions above mentioned;

(*l*) "registered owner" means an owner of a registered estate who has been or is required to be registered under sub-section (1) of section 5;

(*m*) "surplus pool" means the stock of coffee accumulated by the Board out of the amounts delivered to the Board under section 14.

(*n*) "year" means the period of twelve months beginning on the 1st day of July and ending on the 30th day of June following.

Duty of Excise.

3. A duty of excise shall be levied at such rate not exceeding one rupee per hundred weight as may be fixed by the Government, on the recommendation of the Board, by notification in the official Gazette on all coffee, except coffee sold and delivered before the estate became subject to the provisions of sub-section (1) of section 5, which a registered estate is permitted by the internal sale quota allotted to it to sell in the Indian market, whether such coffee is actually sold or not, and on all coffee released for sale in India by the Board from the surplus pool.

Payment of Proceeds of Duty to the Board and Manner of Realisation by the Board.

4. (1) The proceeds of the duty of excise levied under section 3 shall be paid to the Board for credit to the general fund of the Board.

(2) The duty of excise on coffee shall be payable by the registered owner of the estate producing the coffee and shall be realised by the Board by the deduction of the amount of the duty payable by such owner from any sum due to him on account of sales from the surplus pool. It shall be a first charge on such sum, and shall, if not capable of realisation by deduction as aforesaid, be paid to the Board by the registered owner within one month of demand by the Board or thereafter be recoverable from him as an arrear of land revenue.

(3) The Board shall have power to adjudge by bulk the number of hundred weights contained in any quantity of uncured coffee.

(4) No action of the Board under this section shall be called in question by any Court.

Registration of Owners of Coffee Estates.

5. (1) Every person owning land planted with coffee plants aggregating not less than 10 acres, whether such land is comprised in one estate or in more than one estate shall, before the expiration of one month from the commencement of this Act, or before the expiration of one month from the date on which, after the commencement of this Act, he first becomes subject to the provisions of this sub-section, apply to the registering officer appointed in this behalf by the Government to be registered as an owner and in respect of each estate owned by him:

Provided that where the estate or estates in question are situated partly in Mysore and partly in other Indian State or States, the application shall be made to the registering officer appointed by any State.

(2) A registration once made shall continue in force until it is cancelled by the registering officer.

(3) If any question arises whether an owner of an estate is or is not required to be registered under this section, the question shall be decided by the Controller of Coffee.

Power of Government to make Rules.

6. (1) The Government may, by notification in the official Gazette make rules to carry into effect the provisions of section 5.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe the form of the application for registration and for cancellation of registration, the fee payable on such applications, the particulars to be included in such applications, the procedure to be followed in granting and cancelling registration, the registers to be kept by registering officers, and the supply by registering officers of information to the Board.

Maximum Prices for Sale of Coffee wholesale.

7. (1) The Government may, after consultation with the Board, by notification in the official Gazette fix the maximum price or prices at which coffee may be sold wholesale in the Indian market.

(2) No registered owner or licensed curer shall sell coffee wholesale in the Indian market at a price exceeding the maximum fixed under this section.

Sale of Coffee in Excess of Internal Sale Quota.

8. (1) No registered owner shall sell or contract to sell in the Indian market coffee from any registered estate if by such sale the internal sale quota allotted to that estate is exceeded:

Provided that nothing in this section shall apply to coffee sold from a registered estate in excess of the internal sale quota if such sale was in pursuance of a contract of sale entered into before the estate became subject to the provisions of sub-section (1) of section 5 and if, after the estate became so subject, no coffee has been sold from that estate in the Indian market except in pursuance of a contract of sale entered into before the estate became subject to the provisions of sub-section (1) of section 5.

Sale of Coffee how made.

9. No registered owner shall sell coffee unless either—

(*a*) it has been cured at, or is delivered to the buyer through a curing establishment licensed under section 16 or,

(*b*) it is sold under and in accordance with the provisions of a licence procured from the Government under section 13.

Storage or Sale of Coffee from Unregistered Estate.

10. No owner of an estate not registered under this Act shall sell from, or store on his estate or cause or permit to be sold from or stored on his estate any coffee not grown on the estate.

Internal Sale Quota.

11. (1) The Government shall, as soon as may be, allot to each registered estate an internal sale quota for the year.

(2) The internal sale quota shall be fixed percentage common to all registered estates, of the probable total production of the estate in the year as estimated by the Board.

(3) The Government may at any time vary the internal quota by varying the fixed percentage common to all registered estates, or may express the whole or any part of the internal sale quota of an estate in terms of bulk instead of in terms of weight.

Returns to be made by registered Owners.

12. (1) A registered owner shall furnish to the Board at the prescribed times and in the prescribed manner such return as may be prescribed.

(2) If any registered owner fails to furnish the returns required under sub-section (1) in respect of any estate, the Government may refuse to allot an internal sale quota to that estate, or, where an internal sale quota has already been allotted, may cancel it.

(3) The Government may authorise an officer to visit any estate at any time to verify the accuracy of any return made under this section or to ascertain the productive capacity of the estate.

Licences for Sale of uncured Coffee.

13. The registered owner of any estate may, subject to the prescribed conditions and so long as the internal sale quota allotted to that estate will not be exceeded by the proposed sale, obtain from the Government a licence for the sale from that estate of uncured coffee.

Surplus Coffee and Surplus Pool.

14. (1) All coffee produced by a registered estate in excess of the amount specified in the internal sale quota allotted to that estate shall be delivered by the Board for inclusion in the surplus pool by the owner of the estate or by the curing establishment receiving the coffee from the estate.

(2) Delivery shall be made to the Board in such places and in such manner as the Board may direct and such directions may provide for partial delivery to the surplus pool at any time whether or not at that time the internal sale quota has been exceeded, and the coffee delivered shall, unless the Board otherwise directs in the case of coffee already in curing establishments at the commencement of this Act, be such as to represent fairly in kind and quality the produce of the estate. The Board may reject any consignment offered for delivery which does not satisfy this requirement, but shall not reject any consignment merely for a defect in curing.

(3) Coffee delivered for inclusion in the surplus pool shall, upon delivery to the Board, remain under the control of the Board which shall be responsible for storage, curing where necessary, and marketing of the coffee.

(4) The Board shall prepare a differential scale for the valuation of coffee, and shall, in accordance with that scale, classify the coffee in each consignment delivered for inclusion in the surplus pool according to its kind and quality, and shall make an assessment of its value based on its quantity, kind and quality.

(5) The Board may, with the consent of a registered owner before an internal sale quota has been allotted to an estate, treat as having been delivered for inclusion in the surplus pool any coffee from such estate which the registered owner may agree to have so treated.

Coffee to be Cured in Licensed Curing Establishments.

15. No registered owner shall cause or allow coffee to be cured elsewhere than in a licensed curing establishment, whether the curing establishment is maintained by himself or by another person.

Licenses of Curing Establishments.

16. Every establishment for curing coffee shall obtain from the Government a licence to operate as such.

Information to be supplied to the Board in connection with Curing.

17. (1) A registered owner when sending coffee to a curing establishment shall report to the Government, separately for each estate from which coffee is sent, the amount of coffee sent; and the curing establishment shall, in accordance with such instructions as may be issued by the Government and having regard to the internal sale quota of the estate, apportion each such consignment into two parts, one part consisting of coffee intended for internal sale and one part of coffee intended to be delivered for inclusion in the surplus pool and shall report to the Government the amount of coffee in each such part.

(2) Every curing establishment shall, so far as may be, comply with the provisions of sub-section (1) in respect of all coffee in the establishment at the commencement of this Act.

(3) A registered owner curing coffee in a curing establishment maintained by himself shall, supply to the Government the information specified in sub-section (1).

(4) A curing establishment which buys or receives uncured coffee from any person shall ascertain the estate on which the coffee was produced and shall report to the Government the quantity of coffee so obtained and the estate or estates from which it came.

(5) Every curing establishment shall maintain accounts in such forms as may be required by the Government and such accounts shall be open to inspection at any time by the Government or by an officer authorised in this behalf by the Government.

Payments to Registered Owners.

18. The registered owner of an estate in Mysore shall be paid from the pool fund maintained under the Ordinance, payments for

coffee delivered by him for inclusion in the surplus pool which he would be entitled to receive under the Ordinance, if such estate had been situated in British India.

Failure to Register.

19. Any owner of a coffee estate who fails to apply for registration in accordance with section 5 shall be punishable with fine which may extend to one thousand rupees and to a further fine which may extend to five hundred rupees for each month after the first during which such failure continues.

Sale of Coffee in Contravention of Sections 7, 8 or 9.

20. (1) Any registered owner who contravenes the provisions of sub-section (2) of section 7, or section 8, or section 9, any licensed curer who contravenes the provisions of sub-section (2) of section 7; and any person who contravenes the provisions of section 9 shall be punishable with fine which may extend to one thousand rupees.

(2) When a registered owner is convicted under this section, the Board may thereafter deduct from any payment to be made under section 18 to such registered owner a sum equal to the value as estimated by the Board of any coffee unlawfully sold by him.

Unlicensed Curing Establishment.

21. If any curing establishment operates as such without a licence, the owner shall be punishable with fine which may extend to five hundred rupees.

False Returns.

22. Any person who makes in any return to be furnished under section 12 or in any report to be made under section 17 any statement which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to one thousand rupees.

Obstruction.

23. Whoever obstructs any member or officer of the Government or the Board or any person authorised by the Government or the Board, in the discharge of any duty imposed on or entrusted to him under this Act, or who, having control over or custody of any records, fails to produce such records when required to do so or refuses information lawfully asked for by a member or officer of the Board or by a person authorised by the Government or the Board to inspect such records or ask for such information shall be punishable with fine which may extend to one thousand rupees.

Cognizance of Offences.

24. (1) No court other than the court of a Magistrate of the First Class shall take cognizance of any offence punishable under this Act.

(2) No Court shall take cognizance of an offence punishable under section 19, except on complaint made by an officer authorised

in this behalf by the Government or of an offence punishable under any other section except on complaint made with the previous sanction of the Government by an officer authorised in this behalf by the Board.

Power of Board to determine Amount of Coffee sold by an Estate.

25. The Board shall have power to determine, after such inquiry as it thinks fit, the amount of coffee which has, at the commencement of this Act, been sold, or been sold and delivered in the year by any registered estate, and the amount so determined shall be conclusive for the purpose of section 8.

Appeals to the Government.

26. (1) Any person aggrieved by an order of the Board refusing a licence to, or cancelling a licence of, a curing establishment may, within sixty days of the making of the order, appeal to the Government.

(2) Any person making an appeal under this section shall pay a fee of five rupees.

Inspection of Records.

27. Any member of the Board, and any officer of the Board or other person authorised in this behalf by the Government or the Board may enter any estate or any curing establishment and may require the production for his inspection of any records kept therein, or ask for any information relating to the production, storage or sale of coffee by the estate.

Inspection of Records of the Board and obtaining of Copies.

28. Any registered owner to whom an internal sale quota is allotted may, subject to the prescribed conditions, inspect the records maintained by the Board and may, on payment of the prescribed fee, obtain copies of any proceedings or orders of the Board.

Contracts.

29. Nothing in this Act shall apply to or affect any contract for the sale of coffee entered into,—

(*a*) before the third day of December 1940, by the owner of a coffee estate which has been subject to sub-section (1) of section 5 from the commencement of the Emergency Act, or

(*b*) before . . . by the owner of a coffee estate which became subject to sub-section (1) of section 5 on the commencement of this Act,

if in the case referred to in clause (*a*) before the expiration of twenty-one days from the commencement of the Emergency Act or in the case referred to in clause (*b*) before the expiration of twenty-one days from the commencement of this Act, the owner of the coffee estate or the exporter who has effected the contract has furnished to the Board particulars of such contract, but all contracts not saved by the provisions of this section shall, in so far as they are at variance with the provisions of this Act, be void

Power to make Rules.

30. The Government may by notification in the official Gazette make rules to carry out the purposes of this Act.

Power of Delegation.

31. The Government may delegate all or any of the powers conferred on it by any of the provisions of this Act to the Board or to the Controller of coffee.

Repeal and Savings.

32. The Emergency Act continued by the Mysore Coffee Market Expansion (Emergency Continuance) Act, 1941, is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act or the Mysore Coffee Market Expansion (Emergency continuance) Act, 1941, shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 21st December 1940.

XII. Bill to Amend the Mysore Debt Conciliation Act, 1937.

WHEREAS it is expedient to amend the Mysore Debt Conciliation Act, 1937; it is hereby enacted as follows:—

Short Title.

1. This Act may be called the Mysore Debt Conciliation (Amendment) Act, 1941.

Amendment of Section 2, Act VI of 1937.

2. In clause (*e*) of section 2 of the Mysore Debt Conciliation Act, 1937 (hereinafter referred to as the said Act), the following words shall be added after the figure "1888," namely:—

"or any liability in respect of maintenance, whether under decree of Court or otherwise."

Amendment of Section 3, Act VI of 1937.

3. In section 3 of the said Act, sub-sections (4) and (5) shall be re-numbered as sub-sections (5) and (6), respectively, and after sub-section 3, the following sub-section shall be inserted, namely:—

"(4) A Board having the prescribed quorum may act notwithstanding any vacancy through death, resignation or removal in the number of its members other than the Chairman.

Insertion of new Section 4-A in Act VI of 1937.

4. After section 4 of the said Act, the following section shall be inserted, namely:—

Application for Settlement of Joint Debts.

"4-A. If a debtor within the meaning of this Act is jointly liable with other persons for a debt, such debtor may make an

application under sub-section (1) of section 4 for relief in respect of his liability in regard to such debt, and the Board, after consideration of the facts and circumstances of the case may pass such orders as it thinks fit under this Act regarding the debt so far as such applicant is concerned and such orders of the Board shall not be questioned in any Civil Court :

Provided that an order of the Board under this sub-section shall not affect the liability of any other person who is jointly liable with the debtor for the debt, but in no case shall the creditor to whom the debt is due be entitled to realise more than his dues from the persons jointly liable."

Amendment of Section 9, Act VI of 1937.

5. (1) In clause (*b*) of section 9 of the said Act, the following proviso shall be inserted at the end, namely :—

" Provided further that if the Board dismisses such application on the failure of the debtor to comply with notices under sub-section (3) of section 8, the Board may allow against the debtor such costs as the Board considers reasonable and such costs shall be recoverable as revenue demand on application made, within ninety days, by a creditor to whom the same is due."

(2) Section 9 of the said Act shall be re-numbered as sub-section (1) of section 9 and after the said sub-section, the following sub-section shall be inserted, namely :—

" (2) The Board shall dismiss the application made under sub-section (1) of section 4 if it is satisfied that the debtor has within 180 days previous to the date of the application made by him transferred any of his property with intent to defraud any creditor."

Insertion of new Section 9-A, in Act VI of 1937.

6. After section 9 of the said Act, the following section shall be inserted, namely :—

" 9-A. If once an application has been made by a debtor and disposed of, no Board shall entertain a second application within two years of the date of disposal of the first application."

Amendment of Section 14, Act VI of 1937.

7. In section 14 of the said Act,—

(1) the second proviso to sub-section (1) shall be omitted ;

(2) sub-sections (2), (3) and (4) shall be re-numbered as sub-sections (3), (4) and (5), respectively, and after sub-section (1), the following sub-section shall be inserted, namely :—

" (2) When creditors to whom more than 50 per cent of the total debt is owing, agree to an amicable settlement with the debtor, the Board, if it considers that an offer made by the debtor for the settlement of any debt not included in the amicable settlement is a fair offer which the creditor concerned ought reasonably to accept, may pass an order that the debt to which the offer relates shall be settled in accordance with such offer :

Provided that for the purpose of this sub-section an offer shall not be considered by the Board to be a fair offer if its terms are less favourable than the terms of the amicable settlement relating to a debt of the same description ; "

(3) in sub-section (3) as re-numbered, after the figure and brackets, "(1)" the following words figure and brackets shall be inserted, namely :—

"or an order passed under sub-section (2)"; and

(4) the following sub-section shall be inserted at the end, namely :—

"(6) When a secured creditor does not agree to the settlement under sub-section (1) and in cases governed by sub-section (2) such refusal is not considered unfair by the Board when passing an order, such settlement or order shall not affect his rights to proceed against the secured property."

Insertion of new Section 14-A in Act VI of 1937.

8. After section 14 of the said Act, the following section shall be inserted, namely :—

"14-A. When an agreement or an order registered under sub-section (3) of section 14 relates to a debt which is secured by a mortgage, lien or charge on any immovable property of a debtor, such mortgage, lien or charge shall subsist to the extent of the amount payable to the creditor in respect of such debt in accordance with the terms of the agreement or the order, until such amount has been paid or the property has been sold for the satisfaction of such debt."

Insertion of new Sections 18-A to 18-D in Act VI of 1937.

9. After section 18 of the said Act, the following sections shall be inserted, namely :—

"18-A. (1) If a creditor refuses to accept any amount tendered to him by his debtor in accordance with the terms of an agreement or order registered under the provisions of this Act, or if, in any case, the debtor is doubtful as to the person entitled to receive such amount, the debtor may apply to the Deputy Commissioner for permission to deposit such amount with him.

Power to deposit amount of instalment with the Deputy Commissioner.

(2) An application made under sub-section (1) shall be in writing and shall contain—

(*a*) a statement of the grounds on which it has been made,

(*b*) the name of the creditor to whose credit the deposit is to be entered, and

(*c*) the name of the person to whom payment was last made and of the person now claiming it.

"18-B. (1) If it appears to the Deputy Commissioner that the applicant is entitled to make the deposit under section 18-A, he shall receive such deposit and give a receipt therefor.

(2) The Deputy Commissioner shall cause a notice of such deposit to be served on every person who, he has reason to believe, claims or is entitled to it and may pay the amount thereof to any person appearing to him to be entitled to it, or may retain it pending the decision of a Civil Court as to the person entitled to it.

"18-C. A debtor who has made a deposit under section 18-B shall be held to have fulfilled the terms of the agreement or the order.

Debtor to be deemed to have fulfilled terms of agreement.

"18-D. No suit or other legal proceeding shall be instituted against any officer in respect of anything done regarding a deposit under this Act, but nothing in this section shall prevent any person entitled to recover the amount of such deposit from recovering it from any person to whom it has been paid under section 18-B."

Bar of suits and other legal proceedings.

Amendment of Section 19, Act VI of 1937.

10. In sub-section (1) of section 19 of the said Act, the word "and" at the end of clause (v) shall be omitted and after clause (v) (i), the following word and clause shall be added, namely:—

"and

(vii) the repaying capacity of the debtor."

XIII. Bill to Amend the Cotton Ginning and Pressing Factories Act, 1929.

WHEREAS it is expedient to amend the Cotton Ginning and Pressing Factories Act, 1929, for the purposes hereinafter appearing; it is hereby enacted as follows:—

Short Title.

1. This Act may be called the Cotton Ginning and Pressing Factories (Amendment) Act, 1941.

Amendment of Section 9, Act VI of 1929.

2. In section 9 of the Cotton Ginning and Pressing Factories' Act, 1929 (hereinafter referred to as the said Act),—

(*a*) after sub-section (1), the following sub-section shall be inserted namely:—

"(1-A) In any cotton ginning factory, whether erected before or after the commencement of this Act—

(*a*) no structural alterations or additions, the construction of which commenced after the 25th day of May 1941 shall be made so as to minimise the degree of compliance of the factory as a whole with the requirements set forth in clauses (*a*) and (*b*) of sub-section (1), and

(*b*) every structural additions (whether actually attached to any existing structure in the factory or not), the construction of which commenced after the last mentioned date, shall be constructed in accordance with plans and specifications approved by the prescribed authority:

Provided that nothing in this sub-section shall apply to any factory in which, after any alterations have been made, only roller gins are used where the number of such gins is not more than four";

(*b*) in clause (*a*) of sub-section (4) after the word, figure and brackets "sub-sections (1)" the word, letter figure and brackets "sub-section (1-A)" shall be inserted.

Amendment of Section 13, Act VI of 1929.

3. (1) Section 13 of the said Act shall be re-numbered as sub-section (1) of section 13, and in the said section as so numbered—

(*a*) for the words and figure "in accordance with section 4" the words and figure "with the mark prescribed under section 4 for the factory in which they were pressed" shall be substituted;

(*b*) the proviso shall be omitted.

(2) To the said section as so re-numbered, the following sub-section shall be added, namely:—

"(2) Any bale marked in accordance with the provisions of section 4 shall, within the meaning of the Indian Evidence Act, 1872, as in force in Mysore, be presumed for all purposes as between the parties to a contract for the purchase of baled cotton, to have been so marked before leaving the factory in which it was pressed."

XIV. Bill further to Amend the Workmen's Compensation Act, 1928.

WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1928, for the purposes hereinafter appearing: it is hereby enacted as follows:—

Short Title.

1. This act may be called the Workmen's Compensation (Amendment) Act, 1941.

Amendment of Section 2, Act XIV of 1928.

2. In clause (*d*) of sub-section (1) of section 2 of the Workmen's Compensation Act, 1928 (hereinafter referred to as the said Act),

(*a*) in sub-clause (i) for the word "wife," the word "widow" shall be substituted:

(*b*) in sub-clause (ii) for the words "husband," the word "widower" shall be substituted; and

(*c*) in sub-clause (ii) after the words, "a minor child of a deceased son," the words and comma "a minor child of a deceased daughter where no parent of the child is alive" shall be inserted.

Amendment of Section 3, Act XIV of 1928.

3. In sub-section (2) of section 3 of the said Act—

(*a*) for the words beginning "If a workman" and ending "disease of anthrax," the following words shall be substituted, namely,—

"If a workman employed in any employment specified in Part A of Schedule III contracts any disease specified therein as an occupational disease peculiar to that employment;"

(*b*) after the words "any employment specified in" the words "Part B of" shall be inserted; and

(*c*) at the end of the explanation, the words "in the same kind of employment" shall be added.

4. In section 5 of the said Act—

Amendment of Section 5, Act XIV of 1928.

(*a*) for the words, " In this Act, monthly wages mean the wages of a workman by whatever period paid and shall be calculated ", the following shall be substituted, namely,—

" In this act and for the purposes thereof, the expression ' monthly wages ' means the amount of wages deemed to be payable for a month's service (whether the wages are payable by the month or by whatever other period or at piece rates) and calculated ; "

(*b*) in clause (*b*), the words " deemed to be " shall be omitted.

Restoration of Proceedings.

5. After section 5 of the said Act, the following new section shall be inserted, namely,—

" 5-A. Where in any proceedings under this Act concluded after the 1st July 1934, any person has been found by a Court not to be a workman within the meaning of this Act only by reason of the fact that his wages were payable otherwise than by the month or on a monthly basis, such finding shall be void and of no effect and the Court shall, notwithstanding anything to the contrary in the Mysore Limitation Act, 1911, or any other law for the time being in force, on application made within six months from the . . . . . by any person prejudicially affected by such finding, restore the proceedings at, and continue the proceedings from, the stage reached immediately before the order embodying or based on such finding was made."

Amendment of Section 10, Act XIV of 1928.

6. In section 10 of the said Act—

(*a*) in sub-section (1),—

(1) for the words beginning " No proceedings for the recovery of compensation " and ending " within six months from the date of death," the following shall be substituted, namely,—

" No claim for compensation shall be entertained by a Commissioner unless notice of the accident has been given in the manner hereinafter provided as soon as practicable after the happening thereof and unless the claim is referred before him within one year of the occurrence of the accident or, in case of death, within one year from the date of death " ;

(2) in the second proviso—

(i) for the words " maintenance of proceedings " the words " entertainment of a claim " shall be substituted ;

(ii) in clause (*a*) for the word " made " the word " preferred " shall be substituted ; and

(iii) in clause (*b*) after the words " employer " the words " or any one of several employers or any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed " shall be inserted ; and

(3) in the third proviso, for the word " admit " the word " entertain " shall be substituted and for the words " instituted " and " institute ", respectively, the words " preferred " and " prefer " shall be substituted ; and

(*b*) in sub-section (2) the word "directly" shall be omitted.

Amendment of Section 11, Act XIV of 1928

7. In sub-section (6) of section 11 of the said Act—

(*a*) for the words "if it is thereafter proved that the workman has not been regularly attended by a qualified Medical Practitioner and that such refusal, failure or disregard was unreasonable," the following shall be substituted, namely :—

"if it is proved that the workman has not thereafter been regularly attended by a qualified Medical Practitioner or having been so attended has deliberately failed to follow his instructions and that such refusal, disregard or failure was unreasonable," and

(*b*) after the words "qualified Medical Practitioner" where they occur for the last time, the words "whose instructions he had followed" shall be inserted.

Amendment of Section 17, Act XIV of 1928.

8. In section 17 of the said Act, for the words and figures "a certificate granted in respect of such person under section 7 or section 8 of the Mysore Factories Act, 1914" the words and figures "a valid certificate granted in respect of such person under section 12 or section 52 of the Mysore Factories Act, 1936" shall be substituted.

Amendment of Section 20, Act XIV of 1928.

9. In sub-section (2) of section 20 of the said Act,—

(*a*) for the words "by any party to any proceedings pending before him that such matter" the words "that any matter arising out of any proceedings pending before him" shall be substituted ; and

(*b*) before the proviso, the following proviso shall be inserted, namely,—

"Provided that the Commissioner shall not, where any party to the proceedings has appeared before him make any order of transfer relating to the distribution among dependants of a lumpsum without giving such party an opportunity of being heard ;"

and in the existing proviso, after the word "Provided" the word "further" shall be inserted.

Amendment of section 23, Act XIV of 1928.

10. In section 23 of the said Act, for the words "other person authorised in writing by such person", the following shall be substituted, namely—

"by an official of an insurance company authorised in writing by such person or with the permission of the Commissioner, by any other person so authorised."

Amendment of Section 32-A, Act XIV of 1928.

11. (1) Section 32-A of the said Act shall be renumbered as sub-section (1) of that section and in the said section as so renumbered—

(*a*) for the words "to any part of British India or other States in India," the words "to any part of His Majesty the King Emperor's Dominions or any State in India" shall be substituted ;

(*b*) for the words "paid to" the words "deposited with" shall be substituted ;

(*c*) for the words "for the benefit of" when they occur for the first time, the words "which has been awarded to or may be due to" shall be substituted ;

(*d*) after the words "in any such part" and "in such part" where they occur, the words "or State" shall be inserted ;

(*e*) after the word "receipt" the word "distribution" shall be inserted ;

(*f*) for the word "awarded" the word "deposited" shall be substituted ; and

(*g*) for the words "and applicable for the benefit of" the words "which has been awarded to or may be due to" shall be substituted.

(2) To the said section as so re-numbered, the following proviso shall be added, namely—

"Provided that no sum deposited under this Act in respect of fatal accidents shall be so transferred without the consent of the employer concerned until the Commissioner receiving the sum has passed orders determining its distribution and apportionment under the provisions of sub-sections (4) and (5) of section 8."

(3) After the said section as so re-numbered, the following sub-section shall be added, namely—

"(2) Where money deposited with a Commissioner has been so transferred in accordance with the rules made under this section, the provisions elsewhere contained in this Act regarding distribution by the Commissioner of Compensation deposited with him shall cease to apply in respect of such money."

Amendment of Schedule II, Act XIV of 1928.

12. In schedule II to the said Act—

(*a*) in clause (i) for the words "mechanically propelled vehicles" the words "a lift or a vehicle propelled by steam or other mechanical power or by electricity and" shall be substituted ;

(*b*) in clause (ii) for the words, brackets and figures, "clause (2) of section 2 of the Mysore Factories Act, 1914" the words, brackets, letter and figures, "clause (*g*) of section 2 of the Mysore Factories Act, 1936" shall be substituted ;"

(*c*) after clause (xviii), the following clauses shall be inserted namely—

(xix) employed in the tapping of palm trees or the felling or logging of trees, or the transport of timber by inland waters, or the control or extinguishing of forest fires ; or

(xx) employed in operations for the catching or hunting of elephants or other wild animals ; or"

(*d*) the existing clause (XIX) shall be renumbered as clause (xxi) and after that clause as so re-numbered, the following words and clauses shall be inserted, namely—

"or (xxii) employed in the handling or transport of goods in, or within the precincts of—

(*a*) any warehouse or other places in which goods are stored, and in which on any one day of the preceding twelve months ten or more persons have been so employed, or

(*b*) any market in which on any one day of the preceding twelve months one hundred or more persons have been so employed ; or

(xxiii) employed in any occupation involving the handling and manipulation of radium or X-Ray apparatus, or contract with radio active substances."

Amendment of Schedule III, Act XIV of 1928.

13. In schedule III to the said Act,—

(*a*) before the entry relating to lead poisoning and its sequelæ, the following shall be inserted, namely—

"PART A."

Anthrax—	Any employment— (*a*) involving the handling of wool, hair, bristles or animal carcasses or parts of such carcasses, including hides, hoofs and horns; or (*b*) in connection with animals infected with anthrax; or (*c*) involving the loading, unloading, or transport of any merchandise.
Compressed air illness or its sequalæ.	Any process carried on in compressed air.
Poisoning by lead tetræthyl	Any process involving the use of lead tetræthyl.
Poisoning by nitrous fumes	Any process involving exposure to nitrous fumes.

"PART B."

(*b*) in the entry relating to lead poisoning or its sequelæ, to the words in the first column the words "excluding poisoning by lead tetra-ethyl" shall be added and for the words "or its preparations or compounds" in the second column the words "or any of its preparations or compounds except lead tetra-ethyl" shall be substituted; and

(*c*) for the existing entry relating to compressed air illness or its sequelæ the following entries shall be substituted, namely—

"Arsenical poisoning or its sequelæ."	Any process involving the production, liberation or utilisation of arsenic or its compounds.
Pathological manifestations due to—	Any process involving exposure to the action of radium, radio-active substances, or X-Rays.
(*a*) radium and other radio-active substances; (*b*) X-Rays	
Primary epitheliomatous cancer of the skin.	Any process involving the handling of use of tar, pitch, bitumen, minera, oil, paraffin or the compounds, products or residues of these substances."

XV. The Mysore Petroleum Bill.

A BILL TO CONSOLIDATE AND AMEND THE LAW RELATING TO THE IMPORT, TRANSPORT, STORAGE PRODUCTION, REFINING AND BLENDING OF PETROLEUM AND OTHER INFLAMMABLE SUBSTANCES.

WHEREAS it is expedient to consolidate and amend the law relating to the import, transport, storage, production refining and blending of petroleum, and other inflammable substances ; it is hereby enacted as follows :—

PRELIMINARY.

Short Title, Commencement and Extent.

1. (1) This Act may be called the Mysore Petroleum Act, 1941.

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

(*a*) " petroleum " means any liquid hydrocarbon or mixture of hydrocarbons, and any inflammable mixture (liquid, viscous solid) containing any liquid hydrocarbon ;

(*b*) " dangerous petroleum " means petroleum having its flashing-point below seventy-six degrees Fahrenheit ;

(*c*) " flashing-point " of any petroleum means the lowest temperature at which it yields a vapour which will give a momentary flash when ignited, determined, in accordance with the provisions of Chapter II and the rules made thereunder ;

(*d*) " to transport " petroleum means to move petroleum from one place to another in Mysore ;

(*e*) " to import " petroleum means to bring it into Mysore by land or air, otherwise than during the course of transport ;

(*f*) " to store " petroleum means to keep it in any one place, but does not include any detention happening during the ordinary course of transport ;

(*g*) " motor conveyance " means any vehicle or aircraft for the conveyance of human beings, animals or goods, by land or air, in which petroleum in used to generate the motive power

(h) " prescrided" means prescribed by rules made under this Act.

CHAPTER I.

CONTROL OVER PETROLEUM.

Import means, Transport and Storage of Petoleum.

3. (1) No one shall import, transport or store any petroleum save in accordance with the rules made under section 4.

(2) Save in accordance which the conditions of any licence for the purpose which he may be required to obtain by rules made under section 4, no one shall import any dangerous petroleum.

Rules for the Import, Transport and Storage of Petroleum.

4. The Government may make rules :—

(*a* regulating the import of petroleum ;

(*b*) prescribing the periods within which licences for the import of dangerous petroleum shall be applied for, and providing for the disposal, by confiscation or otherwise, of any dangerous petroleum in respect of which a licence has not been applied for within the prescribed period or has been refused and which has not been exported ;

(*c*) regulating the transport of petroleum ;

(*d*) specifying the nature and condition of all receptaces and pipe-lines in which petroleum may be transported ;

(*e*) regulating the places at which and prescribing the conditions subject to which petroleum may be stored ;

(*f*) specifying the nature, situation and condition of all receptacles in which petroleum may be stored ;

(*g*) prescribing the form and conditions of licences for the import of dangerous petroleum, and for the transport or storage of any petroleum, the manner in which applications for such licences shall be made the authorities which may grant such licences and the fees which may be charged for such licences ;

(*h*) determining in any class of cases whether a licence for the transport of petroleum shall be obtained by the consignor, conignee or carrier ;

(*i*) providing for the granting of combined licences for the import, transport and storage of petroleum, or for any two of such purposes ;

(*j*) prescribing the proportion in which any specified poisonous substance may be added to petroleum, and prohibiting the import, transport or storage of petroleum in which the proportion of any specified poisonous substance exceeds the prescribed proportion ; and

(*k*) generally, providing for any matter which in its opinion is expedient for proper control over the import, transport and storage of petroleum.

Production, Refining and Blending of Petroleum.

5. (1) No one shall produce, refine or blend petroleum save in accordance with the rules made under sub-section (2).

(2) The Government may make rules—

(*a*) prescribing the conditions subject to which petroleum may be produced refined or blended ; and

(*b*) regulating the removal of petroleum from places where it is produced, refined or blended and preventing the storage therein and removal therefrom, except as dangerous petroleum, of any petroleum which has not satisfied the prescribed tests.

6. All receptacles containing dangerous petroleum shall have a stamped, embossed, painted or printed warning, either on the receptacle itself or where that is impracticable displayed near the receptacle, exhibiting in conspicuous characters the words " Petrol " or " Motor Spirit " or an equivalent warning of the dangerous nature of the petroleum ;

Provided that this section shall not apply to—

(*a*) any securely stopperd glass, stoneware or metal receptacle of less than two gallons capacity containing dangerous petroleum which is not for sale, or

(*b*) a tank incorporated in a motor conveyance or attached to an internal combustion engine, and containing petroleum intended to be used to generate motive power for the motor conveyance or engine, or

(*c*) a pipe-line for the transport of petroleum, or

(*d*) any tank which is wholly underground, or

(*e*) any class of receptacles which the Government may, by notification in the official Gazette, exempt from the operation of this section.

No Licence needed for small Stocks of non-dangerous Petroleum not in Bulk.

7. Notwithstanding anything contained in this chapter, a person need not obtain a licence for the transport or storage of non-dangerous petroleum if the total quantity in his possession at any one place does not exceed five hundred gallons and none of it is contained in a receptacle exceeding two hundred gallons in capacity.

No Licence needed for small Quantities of dangerous Petroleum.

8. (1) Notwithstanding anything contained in this chapter, a person need not obtain a licence for the import, transport or storage of dangerous petroleum not intended for sale if the total quantity in his possession does not exceed six gallons.

(2) Dangerous petroleum possessed without a licence under this section shall be kept in securely stoppered receptacles of glass, stoneware or metal which shall not, in the case of receptacles of glass or stoneware, exceed one quart in capacity or in the case of receptacles of metal five gallons in capacity.

Exemptions for Motor Conveyances and Stationary Engines.

9. (1) The owner of a motor conveyance, who complies with the requirements of the law for the time being in force relating to the registration and licensing of such conveyances and its driver or pilot and the owner of any stationary internal combustion engine, shall not be required to obtain a licence—

(*a*) for the import, transport or storage of any petroleum contained in any fuel tank incorporated in the conveyance or attached to the internal combustion engine, or

(*b*) for the transport or storage of dangerous petroleum, not exceeding twenty gallons in quantity in addition to any quantity possessed under clause (*a*), provided the petroleum is intended to be used to generate motive power for the motor conveyance or engine :

Provided further that the total quantity of dangerous petroleum which may be stored without a licence under clause (*b*) shall not exceed twenty gallons, notwithstanding that such owner may possess other motor conveyances or engines.

(2) The dangerous petroleum transported or stored without a licence umder cluse (*b*) of sub-section (1) shall be kept as provided in sub-section 8, and, if it exceeds six gallons in quantity, shall be stored in an isolated place which does not communicate with any room where any person resides or works or in any room where persons assemble.

No Licence is needed by Railway Administration acting as Carrier.

10. Notwithstanding anything contained in this chapter, the railway administration, as defined in section 3 of the Mysore Railways Act, 1894, need not obtain any licence for the import or transport of any petroleum in its possession in its capacity as carrier.

Exemption of Heavy Oils.

11. Nothing in this chapter shall apply to any petroleum which has its flashing-point not below two hundred degrees Fahrenheit.

General power of exemption.

12. The Government may by notification in the official Gazette exempt any petroleum specified in the notification from all or any of the provisions of this chapter.

Inspection of Places.

13. (1) The Government may authorise any officer by name or by virtue of office to enter any place where petroleum is being imported, stored, produced, refined or blended, or is under transport, and inspect all receptacles, plant and appliances used in connection with petroleum in ordes to ascertain if they are in accordance with the provisions of this chapter and the rules made thereunder.

(2) The Government may make rules regulating the procedure of officers authorised under this section.

CHAPTER II.

The Testing of Petroleum.

Inspection and sampling of Petroleum.

14. (1) The Government may, by notification in the official Gazette, authorise any officer by name or by virtue of office to enter any place where petroleum is being imported, transported, stored, produced, refined or blended and to inspect and take samples for testing of any petroleum found therein.

(2) The Government may make rules—

(*a*) regulating the taking of samples of petroleum for testing,

(*b*) determining the cases in which payment shall be made for the value of samples taken, and the mode of payment, and

(*c*) generally, regulating the procedure of officers exercising powers under this section.

Standard Test Apparatus.

15. (1) A standard apparatus for determining the flashing-point of petroleum shall be deposited with an officer to be appointed in this behalf by the Government by notification in the official Gazette.

(2) Such apparatus shall be engraved with the words "Standard Test Apparatus" and shall be verified and corrected from time to time and replaced when necessary, in accordance with rules made under section 21.

(3) The Standard Test Apparatus shall, on payment of the prescribed fee, be open to inspection at all reasonable times by any person wishing to inspect it.

Certification of other Test Apparatus.

16. (1) The officer appointed under section, 5, shall, on payment of the prescribed fee, if any, compare with the Standard Test Apparatus any apparatus for determining the flashing-point of petroleum which may be submitted to him for this purpose.

(2) If any apparatus is found by him to agree with the Standard Test Apparatus within prescribed limits, the officer shall engrave such apparatus with a special number and with the date of comparison, and shall give a certificate in respect of it in the prescribed form, certifying that on the said date the apparatus was compared with the Standard Test Apparatus and was found to agree with it within the prescribed limits, and specifying any corrections to be made in the results of tests carried out with the apparatus.

(3) A certificate granted under this section shall be valid for such period as may be prescribed.

(4) A certificate granted under this section shall, during the period for which it is valid, be proof, until the contrary is proved, of any matter stated therein.

(5) The officer shall keep a register in the prescribed form of all certificates granted by him under this section.

Testing Officers.

17. The Government may authorise any officer by name or by virtue of office to test petroleum of which samples have been taken under this Act, or which may have been submitted to him for test by any person, and to grant certificate of the results of such tests.

Manner of Test.

18. All tests of petroleum made under this Act shall be made with a test apparatus in respect of which there is a valid certificate under section 16, shall have due regard to any correction specified in that certificate, and shall be carried out in accordance with rules made under section 21.

Certificate of Testing.

19. (1) The testing officer after testing samples of petroleum shall make out a certificate in the prescribed form, stating whether the petroleum is dangerous or non-dangerous, and, if the petroleum is non-dangerous, the flashing-point of the petroleum.

(2) The testing officer shall furnish the person concerned, at his request, with a certified copy of the certificate, on payment of the prescribed fee, and such certified copy may be produced in any Court in proof of the contents of the original certificate.

(3) A certificate given under this section shall be admitted as evidence in any proceedings which may be taken under this Act in respect of the petroleum from which the samples were taken, and shall until the contrary is proved, be conclusive proof that the petroleum is dangerous or non-dangerous, as the case may be, and, if the petroleum is non-dangerous, of its flashing-point.

Right to require Re-test.

20. (1) The owner of any petroleum, or his agent who is dissatisfied with the result of the test of the petroleum may, within seven days from the date on which he received intimation of the result of the test, apply to the officer empowered under section 14 to have fresh samples of the petroleum taken and tested.

(2) On such application and on payment of the prescribed fee, fresh samples of the petroleum shall be taken in the presence of such owner or agent or person deputed by him, and shall be tested in the presence of such owner or agent or person deputed by him.

(3) If, on such re-test, it appears that the original test was erroneous, the testing-officer shall cancel the original certificate granted under section 19, shall make out a fresh certificate, and shall furnish the owner of the petroleum, or his agent, with a certified copy thereof, free of charge.

Power to make Rules regarding Tests.

21. The Government may make rules—

(*a*) for specification, verification, correction and replacement of the Standard Test Apparatus ;

(*b*) prescribing fees for the inspection of the Standard Test Apparatus ;

(*c*) regulating the procedure in comparing a test apparatus with the Standard Test Apparatus ;

(*d*) prescribing the form of certificate to be given in respect of a test apparatus so compared, and the period for which such certificates shall be valid ;

(*e*) prescribing the form of the register of such certificates ;

(*f*) prescribing fees for comparing a test apparatus with the Standard Test Apparatus ;

(*g*) regulating the procedure of testing officers in carrying out tests of petroleum, providing for the averaging of results where several samples of the same petroleum are tested, and prescribing the variations from standard temperatures which may be allowed ;

(*h*) prescribing the form of certificates of tests of petroleum and the fees which may be charged therefor ;

(*i*) providing, where the results of the testing of samples raise a doubt as to the uniformity of the quality of the petroleum in any lot under test, for the division of the lot into sub-lots, and for the selection and testing of samples of each sub-lot and for the averaging of results in accordance with the results of tests of those samples ;

(*j*) prescribing fees for re-tests under section 20 and providing for their refund where the original test was erroneous ; and

(*k*) generally, regulating the procedure of all officers performing duties connected with the testing of petroleum, and providing for any matter incidental to such testing.

Special Rules for testing Viscous or Solid Forms of Petroleum.

22. The Government may also make rules providing specially for the testing of any form of petroleum which is viscous or solid or contains sediment or thickening ingredients, and such rules may modify

or supplement any of the provisions of this chapter or of the rules made under section 21 in order to adapt them to the special needs of such tests.

CHAPTER III.

PENALTIES AND PROCEDURE.

General Penalty for Offences under this Act.

23. (1) Whoever—

(*a*) in contravention of any of the provisions of chapter I or of any of the rules made thereunder, imports, transports, stores, produces, refines or blends any petroleum, or

(*b*) contravenes any rule made under section 4 or section 5, or

(*c*) being the holder of a licence issued under section 4 or a person for the time being placed by the holder of such licence in control or in charge of any place where petroleum is being imported or stored, or is under transport, contravenes any condition of such licence or suffers any condition of such licence to be contravened, or

(*d*) being for the time being in control or in charge of any place where petroleum is being imported, stored, produced, refined or blended or is under transport, refuses or neglects to show to any officer authorised under section 13 any receptacle, plant or appliance used in such place in connection with petroleum, or in any way obstructs or fails to render reasonable assistance to such officer during an inspection, or

(*e*) being for the time being in control or in charge of any place where petroleum is being imported, transported, stored, produced, refined or blended, refuses or neglects to show to any officer authorised under section 14 any petroleum in such place, or to give him such assistance as he may require for the inspection of such petroleum, or refuses to allow him to take samples of the petroleum, or

(*f*) being required under section 27, to give information of an accident, fails to give such information as so required by that section,

shall be punishable with fine which may extend to five hundred rupees.

(2) If any person, having been convicted of an offence punishable under sub-section (1), is again guilty of any offence punishable under that sub-section, he shall be punishable for every such subsequent offence with fine which may extend to two thousand rupees.

Confiscation of Petroleum and Receptacles.

24. (1) In any case in which an offence under clause (*a*) or clause (*b*) or clause (*c*) of sub-section (1) of section 23 has been committed the convicting Magistrate may direct that—

(*a*) the petroleum in respect of which the offence has been committed, or

(*b*) where the offender is convicted of importing, transporting of storing petroleum exceeding the quantity he is permitted or import, transport or store, as the case may be, the whole to

the petroleum in respect of which the offence was committed, shall, together with the receptacles in which it is contained, be confiscated.

(2) This power may also be exercised by the High Court in the exercise of its appellate or revisional powers.

Jurisdiction.

25. Offences punishable under this Act shall be triable by a Magistrate of the first class or by a Magistrate of the second class who has been specially empowered by the Government in this behalf.

Power of Entry and Search.

26. (1) The Government may, by notification in the official Gazette authorise any officer by name or by virtue of office to enter and search any place where he has reason to believe that any petroleum is being imported, transported, stored, produced, refined or blended otherwise than in accordance with the provisions of this Act and the rules made thereunder and to seize, detain or remove any or all of the petroleum in respect of which in his opinion an offence under this Act, has been committed.

(2) The provisions of the Code of Criminal Procedure, 1904, relating to searches shall, so far as they are applicable, apply to searches by officers authorised under this section.

(3) The Government may make rules regulating the procedure of authorised officer in the exercise of their powers under this section subject, however, to the provisions of sub-section (2).

Report of Accidents with Petroleum.

27. Where any accident by explosion or fire, which is attended with loss of human life or serious injury to person or property, occurs as the result of the ignition of petroleum or petroleum vapour or occurs in or near any place where petroleum is kept and under circumstances making it likely that it was the result of such ignition, the person for the time being in charge of the petroleum shall forthwith give information to the nearest Magistrate or to the officer in charge of the nearest police station.

Inquiries into Serious Accidents with Petroleum.

28. (1) The inquiry mentioned in section 176 of the Code of Criminal Procedure, 1904, shall be held in all cases where any person has been killed by an accident which the Magistrate has reason to believe was the result of the ignition of petroleum or petroleum vapour.

(2) Any Magistrate empowered to hold an inquest may also hold an inquiry under the said section into the cause of any accident which he has reason to believe was the result of the ignition of petroleum or petroleum vapour, if such accident was attended with serious injury to person or property, notwithstanding that no person was killed thereby.

(3) The result of all inquiries held in pursuance of this section shall be submitted as soon as may be to the Government and the Chief Inspector of Mines and Explosives in Mysore.

CHAPTER IV.

SUPPLEMENTAL.

Provisions relating to Rules.

29. (1) In making any rules under this Act, the Government may—

(*a*) provide for any matter ancillary to such rules for which in its opinion provision is necessary to protect the public from danger arising from the import, transport, storage, production, refining or blending of petroluem, and

(*b*) make special provision for the special circumstances of any area or place.

(2) Every power to make rules conferred by this Act is subject to the condition of previous publication.

(3) All rules made under this Act shall be published in the official *Gazette*.

Power to apply Act to other substances.

30. (1) The Government may, by notification in the official *Gazette* apply any or all of the provisions of this Act, and of the rules made thereunder with such modifications as it may specify, to any dangerously inflammable substance, other than an explosive, and thereupon the provisions so applied shall have effect as if such substance had been included in the definition of petroleum.

(2) The Government may make rules providing specially for the testing of any substance to which any of the provisions of this Act have been applied by notification under sub-section (1) and such rules may supplement any of the provisions of Chapter II in order to adapt them to the special needs of such tests.

Power to limit Powers of Local Authorities over Procedure.

31. Where any enactment confers powers upon any local authority in respect of the transport or storage of petroleum the Government may, by notification in the official *Gazette*—

(*a*) limit the operation of such enactment, or

(*b*) restrict the excercise of such powers in any manner it deems fit.

Repeals.

32. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

THE SCHEDULE.

ENACTMENTS REPEALED.

(See *section 32.*)

Year	Number	Short title	Extent of repeal
1923	I	The Mysore Petroleum Act, 1923	The Whole

XVI. The Probate and Administration (Amendment) Bill.

WHEREAS it is expedient to amend the Probate and Administration Act, 1914 : it is hereby enacted as follows :—

Short Title and Commencement.

1. (1) This Act may be called the Probate and Administration (Amendment) Act, 1941.

(2) It shall come into force at once.

Amendment of Section 52, Act VI of 1914.

2. In section 52 of the Probate and Administration Act, 1914 (hereinafter referred to as the said Act)—

(*a*) the words "in non-contentious cases" shall be omitted ;

(*b*) the words, "and pecuniary" shall be inserted between the words "local" and limits ; and

(*c*) the words "and to revoke Probates or Letters of Administration granted by them" shall be added at the end.

Amendment of Sections 53, 54, 55, 56 and 81 of Act VI of 1914.

3. In sections 53, 54, 55, 56 and 81 of the said Act, after the word "Judge" wherever it occurs, the words "or District Delegate" shall be inserted.

Amendment of Section 57, Act VI of 1914.

4. In section 57 of the said Act, for the words,

"when the application is made to the Judge of the District in which the deceased had no fixed abode at the time of his death, the Judge may" the following words shall be substituted, namely—

"when the application is made to the District Judge or the District Delegate within whose jurisdiction the deceased had no fixed abode at the time of his death, the Judge or District Delegate may ;"

Omission of Sections 58, 71, 72, and 73 of Act VI of 1914.

5. Sections 58, 71, 72 and 73 of the said Act shall be omitted.

Substitution of new section for Section 61, Act VI of 1914.

6. For Section 61 of the said Act, the following section shall be substituted, namely—

Petition for Probate.

"61. Application for probate or for letters of administration with the will annexed shall be made by a petition distinctly written in English or Kannada with the will, or, in the cases mentioned in sections 24, 25 and 26, a copy of draft or statement of the contents thereof, annexed, and stating—

(*a*) the time of the testator's death,

(*b*) that the writing annexed is his last will and testament, or as the case may be,

(*c*) that it was duly executed,

(*d*) the amount of assets which are likely to come to the petitioner's hands,

(*e*) where the application is for probate, that the petitioner is the executor named in the will; and

(*f*) that the deceased at the time of his death had a fixed place of abode or had some property situate within the jurisdiction of the Judge or District Delegate."

Substitution of new section for Section 63, Act VI of 1914.

7. For Section 63 of the said Act, the following section shall be substituted, namely,—

"63. Application for letters of administration shall be made by petition distinctly written as aforesaid, and stating—

(*a*) the time and place of the deceased's death,

(*b*) the family or other relatives of the deceased, and their respective residences,

(*c*) the right in which the petitioner claims,

(*d*) the amount of assets which are likely to come to the petitioner's hands, and

(*e*) that the deceased at the time of his death had a fixed place of abode or had some property situate within the jurisdiction of the Judge or District Delegate."

Amendment of Section 76, Act VI of 1914.

8. In Section 76 of the said Act, after the word "Judge" wherever it occurs and after the words "Judge of the District Court" the words "or District Delegate" shall be inserted.

XVII. The Maintenance Orders Enforcement Bill.

A BILL TO FACILITATE THE ENFORCEMENT IN MYSORE OF MAINTENANCE ORDERS MADE IN HIS MAJESTY THE KING EMPEROR'S DOMINIONS AND PROTECTORATES AND *vice versa*.

WHEREAS it is expedient to facilitate the enforcement in Mysore of maintenance orders made in His Majesty the King Emperor's dominions and Protectorates and *vice versa*; it is hereby enacted as follows:—

Short Title and Extent.

1. This act may be called the Maintenance Orders (Enforcement) Act, 1941

(2) It extends to the whole of Mysore.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "court of summary jurisdiction" means the Court of a District Magistrate;

(*b*) "dependants" means such persons as a person against whom a maintenance order is made is liable to maintain according

to the law in force in the place in which the maintenaince order is made :

" maintenance order " means of decree or order other than an order of affiliation, made by a Court in the exercise of civil or criminal jurisdiction for the periodical payment of sums of money towards the maintenance of the wife or other dependants of the person against whom the order is made :

" prescribed" means prescribed by rules made under this Act ;

" proper authority " means the authority appointed by, or under the law of, a reciprocating territory to receive and transmit documents to which this Act applies ; and

" reciprocating territory" means any part of His Majesty the King-Emperor's dominions in respect of which this Act for the time being applies.

Reciprocal Arrangements.

3. (1) If the Government are satisfied that provisions have been made by the Legislature of any part of His Majesty the King-Emperor's dominions for the enforcement within that part of maintenance orders made by Courts in Mysore, the Government may by notification in the official Gazette declare that this Act applies in respect of that part of His Majesty the King-Emperor's dominions and thereupon it shall apply accordingly.

(2) The Government may, by like notification, declare that this Act applies in respect of any British Protectorate, or in respect of any State in India, and where such a declaration has been made, this Act shall apply as if such Protectorate or State were a reciprocating territory.

Registration in Mysore of Maintenance Orders in other parts of His Majesty the King-Emperor's Dominions.

4. Where a maintenance order has whether before or after the passing of this Act, been made against any person by any Court in any reciprocating territory, and a certified copy of the order has been transmitted by the proper authority of that territory to the Government, the Government shall send a copy of the order to the prescribed officer of a Court in Mysore for registration, and on receipt thereof, the order shall be registered in the prescribed manner.

Transmission of Maintenance Orders made in Mysore.

5. Where a Court in Mysore has, whether before or after the commencement of this Act, made a maintenance order against any person and it is proved to that Court that the person against whom the order was made is recident in a reciprocating territory the Court shall send to the Government for transmission to the proper authority of that territory, a certified copy of the order.

Powers of Summary Courts to take Provisional Maintenance Orders against Persons resident in His Majesty the King-Emperor's Dominions.

6. (1) Where application is made to a Court of summary jurisdiction in Mysore for a maintenance order against any person, and it is proved that that person is resident in a reciprocating territory, the

Court may, in the absence of that person, if after hearing the evidence it is satisfied of the justice of the application, make any such order as it might have made if that person had wilfully neglected to attend the Court; but in such case the order shall be provisional only and shall have no effect unless and until confirmed by a competent Court in such territory.

(2) The evidence of every witness who is examined on any such application shall be reduced to writing, and such deposition shall be read over to, and signed by him.

(3) Where such an order is made, the Court shall sent to the Government for transmission to the proper authority of the reciprocating territory in which the person against whom the order is made is alleged to reside, the depositions so taken and a certified copy of the order together with a statement of the grounds on which the making of the order might have been opposed if the person against whom the order is made had been duly served with a summons and had appeared at the hearing and such informmation as the Court possesses for facilitating the indentification of that person and ascertaining his whereabout.

(4) Where any such provisional order has come before a Court in a reciprocating territory for confirmation, and the order has by that Court been remitted to the Court of summary jurisdiction which made the order for the purpose of taking further evidence, that Court shall, after giving the prescribed notice proceed to take the evidence in like manner and subject to the like conditions as the evidence in support of the original application.

(5) If it appears to the Court hearing such evidence that the order ought not to have been made, the Court may rescind the order, but in any other case, the depositions shall be sent to the Government and dealt with in like manner as the ogriginal depositions.

(6) The cofirmation of an order made under this section shall not affect any power of a Court of summary jurisdiction to vary or rescind that order.

Provided that' on the making of a varying or rescinding order the Court shall send a certified copy thereof to the Government for transmission to the proper authority of the reciprocating territory in which the original order was confirmed, or to which it was sent for confirmation and that, in the case of an order varying the original order, the order shall not have any effect unless and until confirmed in like manner as the original order.

Power of Court of Summary Jurisdiction to confirm Maintenance Order made out of Mysore.

7. (1) Where a maintenance order has been made by a Court in a reciprocating territory and the order is provisional only, and has no effect unless and until confirmed by a court of summary jurisdiction in Mysore and a certified copy of the order, together with the depositions of the witnesses and a statement of the grounds on which the order might have been opposed, has been transmitted to the Government and it appears to the Government that the person against whom the order has been made is resident in Mysore, the Government may send the said documents to the prescribed officer of a Court of summary jurisdiction, with a requisition that a summons be issued calling upon the person to show cause why that order should not be confirmed, and,

upon receipt of such documents and requisition, the Court shall issue such a summons and cause it to be served upon such person.

(2) A summons issued under sub-section (1) shall for all purposes be deemed to be a summons issued by the Court in the exercise of its original criminal jurisdiction.

(3) At the hearing it shall be open to the person to whom the summons was issued to raise any defence which he might have raised in the original proceedings had he been a party thereto, but no other defence, and the certificate from the Court which made the provisional order stating the grounds on which the making of the order might have been opposed if the person against whom the order was made had been a party to the proceedings shall be conclusive evidence that those grounds are grounds on which objection may be taken.

(4) If at the hearing the person served with summons does not appear or, appearing, fails to satisfy the Court that the order ought not to be confirmed, the Court may, notwithstanding any pecuniary limit imposed on its power by any law for the time being in force in Mysore, confirm the order either wrthout modification or with such modification as to the Court, after hearing the evidence, may seem just :

Provided that no sum shall be awarded as maintenance under this section, or shall be recoverable as such, at a rate exceeding that proposed in the provisional order.

(5) If the person to which the summons was issued appears at the hearing and satisfies the Court that for the purpose of any defence it is necessary to remit the case to the Court which made the provisional order for the taking of any further evidence, the Court may for that purpose send a certified copy of the record to the Government for transmission to that Court through the proper authority of the reciprocating territory, and may adjourn the proceedings.

(6) Where a provisional order has been confirmed under this section, it may be varied or rescinded in like manner as if it had originally been made by the confirming Court, and where on an application for rescission or variation the Court is satisfied that it is necessary to remit the case to the Court which made the provisional order for the purpose of taking any further evidence, the Court may for the purpose send a certified copy of the record to the Government for transmission to that Court through the proper authority for the reciprocating territory and may adjourn the proceedings.

Enforcement of Maintenance Orders.

8. A Court of summary jurisdiction in which an order has been registered under this Act or by which an order has been confirmed under this Act and the officers of such Court shall have such powers and perform such duties, for the purpose of enforcing the order, as may be prescribed.

Payment of Charges for Transmission of Sums awarded as Maintenance, and other Costs and Charges.

9. A Court, in registering or confirming an order for maintenance in accordance with the provisions of this Act, shall direct that the charges for the transmission to the Court from which the order has been received or in which the provisional order has been made, as the case may be, of the sum awarded as maintenance shall be borne by the person against whom the order has been so made or confirmed, and shall

be recovered from him in addition to the sum awarded as maintenance and in addition to, and in the same manner as, such other costs and charges as may be awarded or levied by the Court.

Proof of Documents signed by Officers of Court.

10. For the purposes of this Act any document purporting to be signed by a judge or officer of a Court outside Mysore shall, until the contrary is proved, be deemed to have been so signed without proof of signature or judicial or official character of the person appearing to have signed it, and the officer of a Court by whom a document is signed shall, until the contrary is proved, be deemed to have been the proper officer of the Court to sign the document.

Depositions to be evidence.

11. Depositions taken in a Court in any reciprocating territory may, for the purposes of this Act, be received in evidence in proceedings before Courts of summary jurisdiction under this Act.

Rule-making Power

12. The Government may make rules for the purpose of carrying into effect the purposes of this Act, and in particular may make rules for the levy of the costs or charges for any thing done under this Act and for all matters which are directed or permitted to be prescribed.

XVIII. Cutchi Memon Bill.

A BILL TO PROVIDE THAT ALL CUTCHI MEMONS SHALL BE GOVERNED IN MATTERS OF SUCCESSION AND INHERITANCE BY MOHAMMADAN LAW.

WHEREAS it is expedient that all Cutchi Memons be governed in matters of succession and inheritance by the Mohammadan Law; it is hereby enacted as follows :—

Short Title and Commencement.

1. (1) This Act may be called the Cutchi Memon Act, 1941.
(2) It shall come into force on the first day of .....

Cutchi Memons to be governed in certain matters by Mohammadan Law.

2. Subject to the provisions of section 3, all Cutchi Memons shall, in matters of succession and inheritance, be governed by Mohammadan Law.

Savings.

3. Nothing in this Act shall affect any right or liability acquired or incurred before its commencement: or any legal proceeding or remedy of any such right or liability and any such proceeding or remedy may be continued or enforced as if this Act had not been passed.

Proposed by—

MR. MOHAMED ABBAS SAIT, *Member, Legislative Council.*

XIX. The Motor Vehicles Bill.

(Not printed.)